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BILLS,

PUBLIC:

FIVE VOLUMES.

—(2.)—

CLERKS TO JUSTICES

TO

EXCHEQUER AND AUDIT DEPARTMENTS.

Session

1 *February* —— 10 *August* 1866.

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A

BILL

TO

Prohibit the Clerks to Justices in Counties conducting the Prosecution of any Offender committed for Trial by the Justice or Justices for whom they are acting as Clerk.

Preamble.

WHEREAS by an Act passed in the Fifth and Sixth Years of His late Majesty King William the Fourth, Chapter Seventy-six, it was amongst other things enacted, that it shall not be lawful for the Clerk to any Justice for any Borough in England or Wales to be employed in the Prosecution of any Offender committed for Trial by the Justice to whom he acts as Clerk: And whereas it is desirable to extend such Prohibition to Clerks to Justices in Counties:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Clerks to Justices not to be concerned in any Prosecution.

1. From and after *the passing of this Act* it shall not be lawful for the Clerk to any Justice or Justices of the Peace for any County, Riding, Division, or Liberty in England or Wales, by himself or his Partner or his Clerk, to be directly or indirectly interested or employed in the Prosecution of any Offender committed

mitted for Trial by the Justice or Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery, or General or Quarter Sessions; and every such Clerk who shall so offend shall for every such Offence forfeit and pay the Sum of *One hundred Pounds*, with full Costs of Suit, to any Person who shall sue for the same in any of Her Majesty's Courts of Record in Westminster.

Penalty.

Short Title.

2. This Act may be cited for all Purposes as the "Clerks to Justices Act, 1866."

Clerks to Justices.

A

BILL

To prohibit the Clerks to Justices in Counties conducting the Prosecution of any Offender committed for Trial by the Justice or Justices for whom they are acting as Clerk.

(*Prepared and brought in by*
Mr. Colvile and Sir Henry Hoare.)

Ordered, by The House of Commons, *to be Printed,*
6 *March* 1866.

[Bill 53.]

Under 1 *oz.*

Colonial Bishops Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Acts repealed.
2. Validity given to Appointments and ministerial Acts in case of Ordinations by Bishops not having Jurisdiction in the Place of their Residence.
3. Persons ordained by Foreign or Colonial Bishops not to hold Preferment in England or Ireland without Consent of Diocesan.
4. Nor to officiate without Notice to Diocesan or contrary to his Injunction.
5. Exception of Persons ordained under Commission from English or Irish Diocesan.
6. Such Ordination to be subject to Conditions as to Title, &c.; and registered in English or Irish Diocese.
7. 53 Geo. 3. and 3 & 4 W. 4. not to prevent Indian Bishops from performing Episcopal Functions under Commission.
8. Episcopal Acts valid if such as might have been founded on voluntary Consent.
9. Letters Patent may be surrendered.
10. Royal Licence may be given in lieu of Mandate for Consecration of Bishops to exercise their Functions out of United Kingdom.
11. Status, &c. of Bishop to be judged by ordinary Courts of Law.
12. Saving, &c.
13. Meaning of "Bishop."

Schedule.

A

BILL

TO

Remove Doubts as to the Effect of Letters Patent granted to certain Colonial Bishops; and to amend the Law with respect to Bishops and Clergy in the Colonies.

WHEREAS Doubts have arisen as to the Effect of Letters Patent granted by Her Majesty and Her Royal Predecessors, by or under which Bishops have been appointed to exercise Episcopal Functions for the Benefit of Clergy, Congregations, and Persons professing the Religion of the United Church of England and Ireland in divers Colonies and Foreign Possessions of this Realm, within which legal Jurisdiction could not be conferred upon such Bishops by such Letters Patent; and it is expedient that such Doubts, so far as relates to the several Matters herein-after mentioned, should be removed; and it is further expedient that the Laws relating to Clergy ordained by Bishops not holding Sees in the United Church of England and Ireland should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The several Acts of Parliament enumerated in the Schedule to this Act are hereby repealed, subject to the Exceptions in the

Acts repealed.

said Schedule mentioned, but not so as to revive any other Acts repealed thereby, nor so as to render invalid or illegal any Act, Matter, or Thing lawfully done in conformity with the said Acts, or any of them, at any Time before the passing of this Act.

59 Geo. 3. c. 60.

2. Whereas by the Act passed in the Fifty-ninth Year of His late Majesty King George the Third (being One of the said Acts hereby repealed) it is (amongst other things) enacted that no Person who after the passing of that Act should have been ordained a Deacon or Priest by a Colonial Bishop who at the Time of such Ordination did not actually possess an Episcopal Jurisdiction over some Diocese, District, or Place, or was not actually residing within such Division, District, or Place, should be capable in any way or on any Pretence whatever of at any Time holding any Parsonage or other Ecclesiastical Preferment within His Majesty's Dominions, or of being a Stipendiary Curate or Chaplain, or of officiating at any Place or in any Manner as a Minister of the Established Church of England and Ireland, and that all Admissions, Institutions, and Inductions to Benefices in the Church of England or Church of Ireland, and all Appointments to act as Curates therein, which shall be made contrary to the Provisions of that Act should be to all Intents and Purposes null and void: And whereas it is apprehended that through Ignorance or Inadvertence or Misapprehension of the Law as to Episcopal Jurisdiction in some of Her Majesty's Colonies or Foreign Possessions Persons ordained by Colonial Bishops who at the Time of such Ordination did not actually possess an Episcopal Jurisdiction over the Diocese, District, or Place within which they were then actually residing, may have held or may now hold Parsonages or other Ecclesiastical Preferments within Her Majesty's Dominions, or may have been or may now be Stipendiary Curates or Chaplains therein, or may have officiated from Time to Time as Ministers of the Established Church of England and Ireland: Be it enacted as follows: No Admission, Institution, or Induction of any Person so ordained as aforesaid to any Parsonage or other Ecclesiastical Preferment within Her Majesty's Dominions, or to any Stipendiary Curacy or Chaplaincy, nor any Act performed by any such Person as a Minister of the Established Church of England and Ireland, shall be deemed to be or to have been invalid at Law by reason of any Want of Jurisdiction of the Bishop by whom such Person may have been ordained over any Diocese, District, or Place within which such Bishop may have been actually residing at the Time of such Ordination; but every such Admission, Institution, or Induction, and every such ministerial Act as aforesaid, shall be deemed to have been as valid and effectual for all Purposes whatever as if the Person

Validity given to Appointments and ministerial Acts in case of Ordinations by Bishops not having Jurisdiction in the Place of their Residence.

Person so ordained as aforesaid had been ordained by a Colonial Bishop possessing an Episcopal Jurisdiction over some Diocese, District, or Place, and actually residing therein.

Persons ordained by Foreign or Colonial Bishops not to hold Preferment in England or Ireland without Consent of Diocesan;

3. No Person admitted into the Holy Orders of Priest or Deacon by any Bishop not being a Bishop of a Diocese in England or Ireland shall be entitled to be admitted or instituted to any Benefice or other Ecclesiastical Preferment in England or Ireland without the Consent and Approbation of the Bishop of the Diocese in which such Benefice or other Ecclesiastical Preferment may be situated; and any such Bishop shall be entitled to refuse such Consent and Approbation without assigning Reason for such Refusal, any Law or Practice to the contrary notwithstanding; and every such Person seeking to be admitted or instituted to such Benefice or other Ecclesiastical Preferment, or to be licensed to any Curacy, shall, before being admitted, instituted, or licensed, make and subscribe before such Bishop every such Declaration and Subscription as he would by Law have been required to make and subscribe at his Ordination if he had been ordained by a Bishop of the United Church of England or Ireland: Provided always, that the Provisions of this Section shall not apply to any such Person who shall hold or shall have held any Benefice or Ecclesiastical Preferment in England or Ireland.

Nor to officiate without Notice to Diocesan or contrary to his Injunction.

4. Any Person who shall have been admitted into the Holy Orders of Priest or Deacon by any Bishop not being a Bishop of a Diocese in England or Ireland, and who does not hold or who has not held any Benefice or Ecclesiastical Preferment in England or Ireland, who shall knowingly officiate on more than One Day within *Three Months* in any Church or Chapel in any Diocese in England or Ireland without notifying the same to the Bishop of the Diocese in which such Church or Chapel is situate, or who shall officiate contrary to any Injunction of the Bishop of the Diocese under his Hand and Seal, shall for every such Offence forfeit and pay the Sum of *Ten Pounds* to the Governor of Queen Anne's Bounty, to be recovered by Action of Debt, brought in the Name of the Treasurer of the said Bounty, in any of Her Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland at the Suit of the Public Prosecutor, or in Ireland in any Court of Common Law in the Name of the Ecclesiastical Commissioners.

Exception of Persons ordained

5. Nothing in the Two last preceding Sections of this Act contained shall extend or be held to extend to any Person who, upon under Commission from English or Irish Diocesan.

upon the Request and by the Commission in Writing under the Hand and Seal of the Bishop of any Diocese in England or Ireland, and with the Consent and Licence in Writing of the Archbishop of the Province within which such Diocese shall be situated, shall have been or may hereafter be ordained a Deacon or Priest within the Limits of such Diocese by any such Bishop as in the said Two Sections is mentioned; and all Admissions, Institutions, and Inductions to Benefices in the United Church of England and Ireland, and all Appointments to act as Curates and Chaplains therein of Persons so admitted into Holy Orders by any such Bishop upon and by any such Request and Commission as aforesaid, shall, notwithstanding anything herein contained, be to all Intents and Purposes good and valid in Law.

Such Ordination to be subject to Conditions as to Title, &c.; and registered in English or Irish Diocese.

6. Provided always, That every Bishop who shall ordain any Person in pursuance of such Request and Commission as aforesaid shall be subject to the several Provisions and Limitations established by the Laws of this Realm or Canons Ecclesiastical as to the Titles of the Persons to be ordained, and as to the Oaths and Subscriptions to be by such Persons taken and made; and further that all Letters of Orders of Persons so ordained shall be issued in the Name and be subscribed with the Signature of the ordaining Bishop as Commissary of the Bishop of the Diocese within which such Ordination shall take place, and shall be sealed with the Seal of the Bishop of such Diocese; and all such Acts of Ordination shall be recorded and registered in like Manner as if they had been performed by the Bishop of such Diocese.

53 Geo. 3. and 3 & 4 W. 4. not to prevent Indian Bishops from performing

7. Nothing contained in an Act passed in the Fifty-third Year of His late Majesty King George the Third, intituled "An "Act for continuing in the East India Company for a further "Term the Possession of the British Territories in India, with "certain exclusive Privileges, for establishing further Regulations "for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the "Trade to and from the Places within the Limits of the said "Company's Charter;" or in another Act passed in the Third and Fourth Years of His late Majesty King William the Fourth, intituled "An Act for effecting an Arrangement with the East "India Company, and for the better Government of His Majesty's "Indian Territories till the Thirtieth Day of April One thousand "eight hundred and fifty-four," or in any Letters Patent issued under Authority of the said Acts, or either of them, shall prevent any Person who shall be or shall have been Bishop of Calcutta, Madras, or Bombay in India from performing Episcopal Functions not extending to the Exercise of Ecclesiastical Jurisdiction in pursuance of any such Request and Commission as aforesaid in any Diocese in England or Ireland.

Episcopal Functions under Commission.

8. All Episcopal Acts which might lawfully have been done within any District or Place by any Bishop lawfully chosen and consecrated by the free and voluntary Consent of any Clergy, Congregations, and Persons voluntarily accepting him as their Bishop, without any Letters Patent, or Royal Mandate or Licence, shall be deemed to be and to have been valid and lawful if done by any such Bishop appointed under any Letters Patent, or Royal Mandate or Licence, by which legal Jurisdiction shall have not been conferred, unless it shall be otherwise declared by any Law in force within such District or Place for the Time being.

Episcopal Acts valid if such as might have been founded on voluntary Consent.

9. Any Bishop exercising Episcopal Functions in any of Her Majesty's Colonies or Foreign Possessions by or under Authority of any Royal Letters Patent may by Writing under his Hand and Seal declare his Desire to surrender such Letters Patent if he shall think fit so to do, and on the Acceptance of such Surrender by Her Majesty, signified through One of Her Majesty's Principal Secretaries of State, all Letters Patent appointing such Bishop or creating or purporting to create the Diocese of such Bishop shall become and be from thenceforth null and void: but such Surrender shall not operate to prevent any such Bishop from continuing after the Acceptance thereof to exercise within the District constituting such Diocese all such Episcopal Functions and to do all such Acts as he might lawfully have exercised and done respectively within such District for the Benefit of such Clergy, Congregations, and Persons as may voluntarily submit themselves thereto, if he had been lawfully chosen and consecrated Bishop by the voluntary Consent of such Clergy, Congregations, and Persons as aforesaid, unless it shall be otherwise declared by any Law in force within such District for the Time being.

Letters Patent may be surrendered.

10. Notwithstanding anything contained in the Act passed in the Session of the Thirteenth and Fourteenth Years of King Charles the Second, intituled "An Act for the Uniformity of Publick "Prayers, and Administration of Sacraments, and other Rites and "Ceremonies; and for establishing the Form of making, ordaining, "and consecrating Bishops, Priests, and Deacons in the Church of "England," or in any other Law or Statute of the United Kingdom, it shall be lawful for any Bishops or Bishop within the United Kingdom, if they or he shall be authorized so to do by Licence under Her Majesty's Royal Sign Manual, to consecrate from Time to

Royal Licence may be given in lieu of Mandate for Consecration of Bishops to exercise their Functions out of United Kingdom.

to Time any Bishop for the Purpose of exercising Episcopal Functions in any of Her Majesty's Colonies or Foreign Possessions, or elsewhere beyond the Limits of the United Kingdom, for the Benefit of such Clergy, Congregations, and Persons as may voluntarily submit themselves thereto, although no Royal Mandate in the Form heretofore accustomed and required by Law may have been granted for or may be produced or read at such Consecration, and no such Mandate or Licence shall be necessary for any such Consecration elsewhere than within the United Kingdom.

Status, &c. of Bishop to be judged by ordinary Courts of Law.

11. All Questions of Law respecting the Status, Rights, Powers, and Duties of any Bishop exercising Episcopal Functions in any of Her Majesty's Colonies or Foreign Possessions in which there shall be no Ecclesiastical Court established by Law with Jurisdiction to determine such Questions in relation to any other Bishop, or to any such Clergy, Congregations, or Persons as aforesaid, and of all such Clergy, Congregations, and Persons in relation to any such Bishop as aforesaid, shall be tried and determined by the same Courts (whether in Her Majesty's Colonies or Foreign Dominions or in Great Britain) and in the same Manner in all respects as any Questions of the like Nature arising with respect to the Status, Rights, Powers, or Duties of any Ministers, Clergy, Congregations, or Persons professing any other Form of Religion not established by Law within the same Part of Her Majesty's Colonies or Foreign Dominions are or ought to be tried and determined, and not in any other Manner or by any other Courts or Court or Authority whatsoever.

Saving, &c.

12. Nothing in this Act contained shall confer upon any Bishop any Jurisdiction to which he would not otherwise have been by Law entitled, or shall give to any such Letters Patent, or Royal Mandate or Licence as aforesaid, or to any Act done by any such Bishop, any Force or Effect which they would not otherwise by Law respectively have had, save as herein expressly provided.

Meaning of "Bishop."

13. In this Act the Word "Bishop" shall be construed to include Archbishop.

SCHE-

SCHEDULE.

59 Geo. III. c. 60.

An Act to permit the Archbishops of Canterbury and York, and the Bishop of London, for the Time being, to admit Persons into Holy Orders specially for the Colonies.

3 & 4 Vict. c. 33.

An Act to make certain Provisions and Regulations in respect to the Exercise within England and Ireland of their Office by the Bishops and Clergy of the Protestant Episcopal Church in Scotland; and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of America; and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of England and Ireland,—except so far as relates to Bishops and Clergy of the Protestant Episcopal Church in the United States.

15 & 16 Vict. c. 52.

An Act to enable Colonial and other Bishops to perform certain Episcopal Functions, under Commission from Bishops of England and Ireland.

16 & 17 Vict. c. 49.

An Act to extend the Provisions of an Act of the Fifteenth and Sixteenth Years of Her present Majesty, intituled "An Act to enable Colonial and other "Bishops to perform certain Episcopal Functions, under Commission from "Bishops of England and Ireland."

Colonial Bishops.

A

B I L L

To remove Doubts as to the Effect of Letters Patent granted to certain Colonial Bishops; and to amend the Law with respect to Bishops and Clergy in the Colonies.

(Prepared and brought in by
Mr. Secretary Cardwell, Mr. Attorney General,
and Mr. William Edward Forster.)

Ordered, by The House of Commons, *to be Printed,*
15 *May* 1866.

[Bill 160.]

Under 2 *oz.*

A

B I L L

TO

Enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Colonial Branch Mints a legal Tender for Payments; and for other Purposes relating thereto.

WHEREAS by an Act of the Fifty-sixth Year of the Reign of His late Majesty King George the Third, Chapter Sixty-eight, intituled "An Act to provide for a new "Silver Coinage, and to regulate the Currency of the Gold and "Silver Coins of this Realm," it is amongst other things provided, that after the Date of the passing of that Act the Gold Coin of the Realm should be the only legal Tender for Payments (except the Silver Coin of the Realm to the Extent of Forty Shillings) within the United Kingdom of Great Britain and Ireland: Preamble. 56 G. 3. c. 68.

And whereas by the same Act it is declared, that the Gold Coin of the Realm should hold such Weight and Fineness as are prescribed by an Indenture therein referred to, and made with His Majesty's Master and Worker of the Mint for making Gold Monies at His Majesty's Mint in London, and with such Allowance called the Remedy as is given to the said Master by the said Indenture, which Weight and Fineness are by the said Act declared to be the

Colonial Branch Mints.

A

B I L L

To enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Colonial Branch Mints a legal Tender for Payments; and for other Purposes relating thereto.

(*Prepared and brought in by*
Mr. Hunt and Mr. Adderley.)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1866.

[Bill 215.]

Under 1 *oz.*

A

B I L L

TO

Amend an Act passed in the Twenty-eighth and Twenty-ninth Years of the Reign of Her present Majesty, intituled "The Colonial Governors (Retiring Pensions) Act."

WHEREAS it is expedient that Retiring Pensions should be granted in certain Cases to Officers who have administered the Government of Her Majesty's Colonial Possessions : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows : Preamble.

Definition.

1. In this Act the Term "Colony" includes any Plantation, Island, or other Possession within Her Majesty's Dominions, exclusive of the United Kingdom of Great Britain and Ireland, and of the Islands being immediate Dependencies thereof, and exclusive of India as defined by the Act of Parliament of 1858 "for the "better Government of India."

Full Rate of Pension.

2. The full Rate of Pension herein-after referred to shall be as follows ; that is to say, In the Case of Officers who shall for at least *Four Years* have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than Five thousand Pounds, *One thousand Pounds:*

In the Case of Officers who shall for at least *Four Years* have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than Two thousand five hundred Pounds, *Seven hundred and fifty Pounds:*

In the case of Officers who shall for at least *Four Years* have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than One thousand two hundred Pounds, *Five hundred Pounds:*

In other Cases, *Two hundred and fifty Pounds.*

Reduced Rate.

3. The reduced Rate of Pension herein-after referred to shall in all Cases be *Two Thirds* of the full Rate.

When full Rate may be granted.

4. One of Her Majesty's Principal Secretaries of State may, by Writing under his Hand, grant the full Rate of Pension to any Person who shall have administered the Government of any Colony or Colonies for Periods amounting in the whole to *Fifteen Years,* or who shall have administered such Government or Governments for Periods amounting in the whole to *Ten Years,* and shall have been employed in the whole either in such Administration or in the Civil Service of Her Majesty, at home or in the Colonies, for Periods amounting in the whole to *Twenty-five Years,* or to any Person who, having administered such Government or Governments for Periods amounting in the whole to *Twelve Years,* shall have established, to the Satisfaction of such Secretary of State, that he is incapable, from Infirmity of Mind or Body contracted while administering his Government, of discharging the Duties of any Office in the Public Service, and that such Infirmity is likely to be permanent.

When reduced Rate may be granted.

5. Such Secretary of State may, by such Writing as aforesaid, grant the reduced Rate of Pension to any Person who shall have administered such Government or Governments for Periods amounting in the whole to *Eight Years,* and shall have been employed in the whole, either in such Administration or in the permament Civil Service of Her Majesty, for Periods amounting in the whole to *Twenty Years,* shall have established to the Satisfaction of such Secretary of State that he is incapable, from Infirmity of Mind or Body contracted while administering his Government, of discharging the Duties of any Office in the Public Service, and that such Infirmity is likely to be permanent.

Permanent Civil Service not to be counted under this or any other Act.

6. No Person whose Claim to a Pension under the Provisions of this Act is founded in part upon his Employment in the permanent Civil Service of Her Majesty shall be entitled to claim a Superannuation Allowance, in respect of the same Employment, under the Provisions of any other Act of Parliament.

Deductions from Pension on account of Half Pay, &c.

7. In case any Person to whom a Pension shall have been granted under the Provisions of this Act shall be or become entitled to any Half Pay, Salary, or other Emolument from any Public Revenue raised, or in respect of any Public Services performed within Her Majesty's Dominions, his Pension shall be reduced by Half the Amount of such Half Pay, Salary, or Emolument.

Advancement to higher Rates of Pension.

8. In case any Person to whom a Pension shall have been granted under the Provisions of this Act shall, by reason of his Re-employment, become eligible for any higher Rate of Pension than that already granted him, One of Her Majesty's Principal Secretaries of State may, by such Writing as aforesaid, grant to him such higher Rate of Pension.

Person receiving Pension bound to accept Employment till Sixty; not to relinquish it till Sixty-five.

9. In case any Person, having administered the Government of any Colony and not being of the full Age of *Sixty*, shall be called upon by Her Majesty to administer the Government of any Colony not being of a lower Class than that on which his Rate of Pension has been, or in case of his Retirement or reaching the Age of *Sixty* would be calculated, and not being incapable from Infirmity of Mind or Body of administering such Government, shall refuse to administer the same; or if any such Person, not being of the full Age of *Sixty-five*, shall relinquish such Government without the Permission of Her Majesty, or shall neglect or decline to execute the Duties thereof satisfactorily, the said Secretary of State may by Writing under his Hand declare that such Person has forfeited all Claim to any Pension under this Act, and such Claim shall thereupon be forfeited accordingly.

As to Pension of Person also employed in Civil Service.

10. In case any Person shall have administered the Government of any Colony or Colonies, and shall have likewise been employed in the permanent Civil Service of Her Majesty, but shall not have become entitled to any Pension under the preceding Clauses of this Act, the Number of Years passed in the Government of such Colony or Colonies shall, for the Purpose of computing any Superannuation Allowance to be granted to such Person under the Superannuation Act, 1859, be taken to have been passed in the permanent Civil Service of Her Majesty, and at the Rate of Salary last received by such Person in respect of his Employment in such permanent Civil Service.

Secretary of State to determine when an Officer is in Administration of Government.

11. One of Her Majesty's Principal Secretaries of State may, with the Consent of the Lords Commissioners of the Treasury, from Time to Time determine under what Conditions and to what Extent any Officer shall be deemed for the Purposes of this Act to have been administering the Government of any Colony while administering the same provisionally, or while absent from his Government with Permission of Her Majesty.

Statement of Pensions to be laid before Parliament.

12. All Pensions granted under this Act shall be paid out of such Monies as Parliament may provide for the Purpose, and a Statement of all such Pensions shall be laid annually before Parliament.

Colonial Governors (Retiring Pensions) Act Amendment.

A

BILL

To amend an Act passed in the Twenty-eighth and Twenty-ninth Years of the Reign of Her present Majesty, intituled "The Colonial Governors (Retiring Pensions) Act."

(Prepared and brought in by Mr. Baillie Cochrane and Mr. Cave.)

Ordered, by The House of Commons, *to be Printed,*
5 March 1866.

[Bill 49.]

Under 1 *oz.*

A

BILL

TO

Amend an Act passed in the Twenty-eighth and Twenty-ninth Years of the Reign of Her present Majesty, intituled "The Colonial Governors (Retiring Pensions) Act."

WHEREAS it is expedient that Retiring Pensions should be granted in certain Cases to Officers who have administered the Government of Her Majesty's Colonial Possessions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. In this Act the Term "Colony" includes any Plantation, Island, or other Possession within Her Majesty's Dominions, exclusive of the United Kingdom of Great Britain and Ireland, and of the Islands being immediate Dependencies thereof, and exclusive of India as defined by the Act of Parliament of 1858 "for the " better Government of India." Definition.

2. The full Rate of Pension herein-after referred to shall be as follows; that is to say, Full Rate of Pension.

In the Case of Officers who shall for at least *Four Years* have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than Five thousand Pounds, *One thousand Pounds :*

In the Case of Officers who shall for at least *Four Years* have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than Two thousand five hundred Pounds, *Seven hundred and fifty Pounds :*

In the case of Officers who shall for at least *Four Years* have administered the Government of any Colony or Colonies in which the Salary of the Governor is not less than One thousand two hundred Pounds, *Five hundred Pounds :*

In other Cases, *Two hundred and fifty Pounds.*

Reduced Rate.

3. The reduced Rate of Pension herein-after referred to shall in all Cases be *Two Thirds* of the full Rate.

When full Rate may be granted.

4. One of Her Majesty's Principal Secretaries of State may, by Writing under his Hand, grant the full Rate of Pension to any Person who shall have administered the Government of any Colony or Colonies for Periods amounting in the whole to *Fifteen Years*, or who shall have administered such Government or Governments for Periods amounting in the whole to *Ten Years*, and shall have been employed in the whole either in such Administration or in the Civil Service of Her Majesty, at home or in the Colonies, for Periods amounting in the whole to *Twenty-five Years*, or to any Person who, having administered such Government or Governments for Periods amounting in the whole to *Twelve Years*, shall have established, to the Satisfaction of such Secretary of State, that he is incapable, from Infirmity of Mind or Body contracted while administering his Government, of discharging the Duties of any Office in the Public Service, and that such Infirmity is likely to be permanent.

When reduced Rate may be granted.

5. Such Secretary of State may, by such Writing as aforesaid, grant the reduced Rate of Pension to any Person who shall have administered such Government or Governments for Periods amounting in the whole to *Eight Years*, and shall have been employed in the whole, either in such Administration or in the permament Civil Service of Her Majesty, for Periods amounting in the whole to *Twenty Years*, shall have established to the Satisfaction of such Secretary of State that he is incapable, from Infirmity of Mind or Body contracted while administering his Government, of discharging the Duties of any Office in the Public Service, and that such Infirmity is likely to be permanent.

Permanent Civil Service not to be counted under this or any other Act.

6. No Person whose Claim to a Pension under the Provisions of this Act is founded in part upon his Employment in the permanent Civil Service of Her Majesty shall be entitled to claim a Superannuation Allowance, in respect of the same Employment, under the Provisions of any other Act of Parliament.

Deductions from Pension on account of Half Pay, &c.

7. In case any Person to whom a Pension shall have been granted under the Provisions of this Act shall be or become entitled to any Half Pay, Salary, or other Emolument from any Public Revenue raised, or in respect of any Public Services performed within Her Majesty's Dominions, his Pension shall be reduced by Half the Amount of such Half Pay, Salary, or Emolument.

Advancement to higher Rates of Pension.

8. In case any Person to whom a Pension shall have been granted under the Provisions of this Act shall, by reason of his Re-employment, become eligible for any higher Rate of Pension than that already granted him, One of Her Majesty's Principal Secretaries of State may, by such Writing as aforesaid, grant to him such higher Rate of Pension.

Person receiving Pension bound to accept Employment till Sixty; not to relinquish it till Sixty-five.

9. In case any Person, having administered the Government of any Colony and not being of the full Age of *Sixty*, shall be called upon by Her Majesty to administer the Government of any Colony not being of a lower Class than that on which his Rate of Pension has been, or in case of his Retirement or reaching the Age of *Sixty* would be calculated, and not being incapable from Infirmity of Mind or Body of administering such Government, shall refuse to administer the same; or if any such Person, not being of the full Age of *Sixty-five*, shall relinquish such Government without the Permission of Her Majesty, or shall neglect or decline to execute the Duties thereof satisfactorily, the said Secretary of State may by Writing under his Hand declare that such Person has forfeited all Claim to any Pension under this Act, and such Claim shall thereupon be forfeited accordingly.

As to Pension of Person also employed in Civil Service.

10. In case any Person shall have administered the Government of any Colony or Colonies, and shall have likewise been employed in the permanent Civil Service of Her Majesty, but shall not have become entitled to any Pension under the preceding Clauses of this Act, the Number of Years passed in the Government of such Colony or Colonies shall, for the Purpose of computing any Superannuation Allowance to be granted to such Person under the Superannuation Act, 1859, be taken to have been passed in the permanent Civil Service of Her Majesty, and at the Rate of Salary last received by such Person in respect of his Employment in such permanent Civil Service.

11. One

Secretary of State to determine when an Officer is in Administration of Government.

11. One of Her Majesty's Principal Secretaries of State may, with the Consent of the Lords Commissioners of the Treasury, from Time to Time determine under what Conditions and to what Extent any Officer shall be deemed for the Purposes of this Act to have been administering the Government of any Colony while administering the same provisionally, or while absent from his Government with Permission of Her Majesty.

Statement of Pensions to be laid before Parliament.

12. *All Pensions granted under this Act shall be paid out of such Monies as Parliament may provide for the Purpose, and a Statement of all such Pensions shall be laid annually before Parliament.*

Colonial Governors (Retiring Pensions) Act Amendment.

A

BILL

To amend an Act passed in the Twenty-eighth and Twenty-ninth Years of the Reign of Her present Majesty, intituled "The Colonial Governors (Retiring Pensions) Act."

(Prepared and brought in by Mr. Baillie Cochrane and Mr. Cave.)

Ordered, by The House of Commons, *to be re-Printed,*
21 *March* 1866.

[Bill 87.] *Under* 1 *oz.*

* * *

A

B I L L

TO

Make further Provision respecting the Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto, and respecting the Salaries of certain Officers of those Courts.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of 28 & 29 Vict. c. 45. s. 6.

1. From and after the *Thirty-first* Day of *March One thousand eight hundred and sixty-seven* Section Six of The Common Law Courts (Fees) Act, 1865, shall be repealed.

Total Receipts from Stamps to be paid to Consolidated Fund.

2. The Commissioners of Inland Revenue shall keep a separate Account of all Money received in respect of Stamps under the said Act; and from and after the said Day, subject to the Deduction of any Expenses incurred by those Commissioners in the Execution of that Act, the Money so received shall, under the Direction of the Commissioners of Her Majesty's Treasury, be carried

to and shall form Part of the Consolidated Fund of the United Kingdom.

Salaries of Masters to be charged on Consolidated Fund.

3. From and after the said Day, the Salaries, and Compensation Allowances by way of Salary, of and to the several Masters of the Courts of Queen's Bench, Common Pleas, and Exchequer, (including the Senior Master of the Court of Common Pleas as Registrar of Judgments, and including the Queen's Remembrancer,) and the Salary of the Officer of the Court of Common Pleas for Registration of Certificates of Acknowledgments of Deeds of Married Women and other Documents, shall be charged on and payable out of the Consolidated Fund of the United Kingdom.

Expenses in First Schedule to be charged on Votes in Supply.

4. From and after the said Day, the Salaries, Charges, and Payments described in the First Schedule to this Act shall be paid out of Money from Time to Time provided by Parliament for that Purpose.

Provision respecting Amount of Salaries of Masters.

5. In lieu of the Salaries at the passing of this Act payable to the Masters of the said Courts respectively, the said Masters shall receive, by way of Salary for performing the Duties of their respective Offices, the Sum of One thousand five hundred Pounds per Annum each, to commence and be computed from the Thirtieth Day of September One thousand eight hundred and sixty-six, and to be paid quarterly on the Thirty-first Day of December, the Thirty-first Day of March, the Thirtieth Day of June, and the Thirtieth Day of September in every Year, together with a proportionate Part of such annual Sum for any incomplete Quarter of a Year.

13 & 14 Vict. c. 75.

22 & 23 Vict. c. 21.

Provided always, that the Commissioners of Her Majesty's Treasury shall settle and adjust the Amount of the Remuneration to be allowed to the Senior Master of the Court of Common Pleas (under the Act of the Session of the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Seventy-five, "to regulate "the Receipt and Amount of Fees receivable by certain Officers in "the Court of Common Pleas,") and the Amount of the Salary of the Master of the Court of Exchequer for the Time being acting as Queen's Remembrancer (under the Act of the Session of the Twenty-second and Twenty-third Years of Her Majesty's Reign, Chapter Twenty-one, "to regulate the Office of Queen's Remem-"brancer, and to amend the Practice of Procedure on the Revenue "Side of the Court of Exchequer,") so that the annual Sums received by those Officers respectively shall not, together with their respective Salaries of One thousand five hundred Pounds as Masters, exceed the Amounts which those Officers respectively receive at the passing of this Act in respect of their several Offices aforesaid, that is to say the Sum, of Two thousand Pounds per Annum each.

Power for Judges to alter Fees in Courts and Offices, with Approval of Treasury.

6. The Judges of the said Courts, or any *Six* or more of them, (the Lord Chief Justices and Lord Chief Baron being Three,) may from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, add to, or reduce, alter, or amend, any Table for the Time being in force, specifying the Fees to be taken in the said Courts, and in the Offices belonging thereto, and at the Judges Chambers, and on the Circuits; and the Commissioners of Her Majesty's Treasury, as soon and as often as any such Table of Fees has been approved by them, shall cause the same to be published in the London Gazette; and from and after the Time prescribed in any such Table for the Commencement thereof, or if no Time is so prescribed then from and after the Publication of such Table in the London Gazette, no Fee, other than those specified in such Table, shall on any Pretence whatever be demanded or taken by any Officer or Clerk of the said Courts in respect of any Duty or Service to which such Table relates.

Existing Fees not to be reduced while insufficient to meet Charges thereon, &c.

7. Provided always, That no Reduction shall be made in the Fees prescribed in the Table in force at the passing of this Act, as long as the aggregate annual Amount of Fees taken in pursuance thereof is insufficient to provide for the Salaries, Compensations, and other Charges and Payments formerly charged on or payable out of Fees comprised in The Common Law Courts (Fees) Act, 1865, and for Compensation to Officers who held Offices in the said Courts and the Offices connected therewith, which were abolished by the Acts described in the Second Schedule to this Act.

Repeal of 28 & 29 Vict. c. 45. s. 7.

8. Section Seven of The Common Law Courts (Fees) Act, 1865, is hereby repealed.

Annual Account of Fees and Charges.

9. There shall be annually prepared, under the Direction of the Commissioners of Her Majesty's Treasury, an Account for the Year ending the *Thirty-first* Day of *March*, showing on the one Side the total Amount of Money received in respect of Stamps, under The Common Law Courts (Fees) Act, 1865, and any Act extending the same, and on the other Side the total Payments for the same Period for Salaries, Compensations, and other Charges and Payments formerly charged on or payable out of Fees comprised in The Common Law Courts (Fees) Act, 1865, and for Compensation to Officers who held Offices in the said Courts and the Offices connected therewith, which were abolished by the Acts described in the Second Schedule to this

Act; and such Account shall be laid before both Houses of Parliament within *One* Month after the *Thirty-first Day of March* in each Year, if Parliament is then sitting, or if not then within One Month after the next Meeting of Parliament; and the Second of such yearly Accounts, and every subsequent Account, shall show the Items for Two consecutive Years, and the Increase or Decrease of any Item in the Second of those Years as compared with the First.

Short Title. **10.** This Act may be cited as The Common Law Courts (Fees and Salaries) Act, 1866.

SCHEDULES.

THE FIRST SCHEDULE.

(A.) Salaries of Clerks and other Persons in Office of Senior Master of Court of Common Pleas for Registration of Judgments, Crown Debts, &c., with necessary Expenses of that Office.

(B.) Salaries of Clerks and Messengers in the Office of the Court of Common Pleas for Registration of Certificates, &c., of Acknowledgments of Deeds of Married Women, &c., with necessary Expenses of that Office.

(C.) Salaries and Allowances of and to Clerks and other Persons employed in Establishment under Queen's Remembrancer, with necessary Expenses of his Office.

THE SECOND SCHEDULE.

11 Geo. 4. & 1 Will. 4. c. 58.—An Act for regulating the Receipt an future Appropriation of Fees and Emoluments receivable by Officers of th Superior Courts of Common Law.

3 & 4 Will. 4. c. 99.—An Act for facilitating the Appointment of Sheriffs and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Issues, Forfeited Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer.

7 Will. 4. & 1 Vict. c. 30.—An Act to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

15 & 16 Vict. c. 73.—An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius in the Superior Courts of Common Law, and for the Payment of such Officers and of the Judges Clerks by Salaries, and to abolish certain Offices in those Courts.

Common Law Courts (Fees and Salaries).

A

BILL

To make further Provision respecting the Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto, and respecting the Salaries of certain Officers of those Courts.

(Prepared and brought in by
Mr. Dodson, Mr. Solicitor General, and
Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1866.

[Bill 240.]

Under 1 *oz.*

Common Law Courts (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

CLAUSE.
1. Commencement of Act.

Writ for Commencement of Actions.

2. Personal Actions, when Defendant resides within the Jurisdiction, to be commenced by Writ of Summons in Form No. 1. of Schedule (A.)
3. Writs for Commencement of Actions to be issued in rotation for the several Courts. No Objection on Ground of Privilege to be valid.
4. No Form or Cause of Action to be mentioned in Writ.
5. Writ to state Names of all Defendants, and for only One Action.
6. Writ to be dated on Day of issuing, and tested in Name of Superior Courts of Law.
7. Writ to be endorsed with Name and Abode of Attorney, or a Memorandum that Writ has been sued by Plaintiff in Person.
8. Attorney on Demand to declare whether Writ issued by his Authority, and to declare Name and Abode of his Client, if ordered. If Writ issued without Authority of Attorney, Proceedings to be stayed.
9. Endorsement of Debt and Costs on Writ and Copy of Writ for a Debt, with Notice that Proceedings will be stayed on Payment within Four Days.
10. Concurrent Writs may be issued.
11. Renewal of Writs of Summons to save the Statute of Limitation, and for other Purposes.
12. Production of renewed Writ, Evidence of Commencement of Action.
13. Writ may be served in any County.
14. Endorsement of Service to be made.
15. As to Service of Writ on Corporations and Inhabitants of Baronies and Towns.

CLAUSE.
16. Proceedings where Personal Service cannot be effected, but Defendant knows of the Writ and evades Service.
17. As to Actions against British Subjects residing ont of the Jurisdiction of Superior Courts.
18. As to Actions against Foreigners residing out of the Jurisdiction of Superior Courts.
19. Courts may direct Substitution of Service.
20. Omission to insert or endorse Matters in or on Writ not to nullify it.
21. Substitution by Mistake or Inadvertence of One Form of Writ for another may be amended without Costs.
22. Writs for Service within and without Jurisdiction may be concurrent, and vice versâ.
23. Special Endorsement of the Particulars of Debts or liquidated Demands may be made on the Writ. Special Endorsement to stand for Particulars of Demand.

Appearance and Proceedings in default of Appearance.

24. Final Judgment upon Writs specially endorsed in default of Appearance.
25. Judgment for Nonappearance where the Writ is not endorsed in special Form.
26. Appearance to be entered at any Time before Judgment.
27. Appearance by the Defendant in Person to give an Address at which Proceedings may be served.
28. Mode of Appearance to Writ of Summons.
29. Proceedings mentioned in Writ or Notice may be had and taken.
30. Proceedings where only some of the Defendants appear to a Writ specially endorsed.

Joinder of Parties.

31. Joinder as Plaintiffs of all Persons supposed to be legally entitled.
32. Defendant to have Benefit of Set-off, though some Plaintiffs improperly joined.
33. No other Action for same Claim to be brought.
34. Nonjoinder and Misjoinder of Plaintiffs may be amended before Trial.
35. Nonjoinder and Misjoinder of Plaintiffs may be amended at the Trial as in Cases of Amendments of Variances under 3 & 4 Vict. c. 105. s. 45.

CLAUSE.

36. Upon Notice of Plea of Nonjoinder of Plantiffs, Proceedings may be amended.
37. Misjoinder of Defendants may be amended before or at Trial.
38. Proceeding when Nonjoinder of Defendant objected to.
39. Upon Plea in Abatement for Nonjoinder of Defendants, Proceedings may be amended.
40. Provision in the Case of subsequent Proceedings against the Persons named in a Plea in Abatement for Nonjoinder of Defendants.
41. Joinder of Claims by Husband and Wife, with Claims in right of Husband.

Joinder in Causes of Action.

42. Different Causes of Action may be joined, but separate Trials may be ordered.

Questions by Consent without Pleading.

43. Questions of Fact may, after Writ issued by Consent and Leave of a Judge, be raised without Pleadings.
44. Agreement may be entered into for the Payment of Money and Costs according to the Result of the Issue.
45. Judgment to be entered according to the Agreement, and Execution issued forthwith, unless stayed.
46. Proceedings upon Issue may be recorded.
47. Judge may, by Consent, try Questions of Fact.
48. Questions of Law may be raised after Writ issued by Consent, &c., without Pleading.
49. Agreement as to Payment of Money and Costs according to Judgment upon Special Case.
50. Costs to follow the Event, unless otherwise agreed.

Pleadings in general.

51. Fictitious and needless Averments not to be made.
52. Judgment upon Demurrer to be given according to the very Right of the Cause.
53. Objections by way of special Demurrer.
54. Pleadings framed to embarrass may be struck out or amended.
55. Four Days Notice to declare, reply, or rejoin.
56. Pleadings to be dated and entered as of Time of pleading, unless Order to the contrary.
57. Profert and Oyer not necessary.

CLAUSE.
58. Document may be set forth, and be considered a Part of the Pleading in which it is set forth.
59. Declaration for Libel or Slander.
60. Performance of Conditions precedent may be averred generally.
61. The Process of Adjudication of an inferior Jurisdiction may be pleaded generally.

Declaration.

62. Plaintiff to declare within a Year.
63. Actions against Justices of the Peace, Mayors, &c., to be laid in the County in which the Cause of Action has arisen.
64. Court or Judge may direct such Actions to be tried elsewhere.
65. Court or Judge may, in transitory Actions, order Venue to be changed.
66. Forms of Commencement, &c. of Declaration.
67. Several Counts on the same Cause of Action not to be allowed.
68. Commencement of Declaration after Plea of Nonjoinder.
69. Further Particulars.

Pleadings.

70. Rules to plead, and demand of Plea, not necessary.
71. Time for pleading, where Defendant is within Jurisdiction, to be Eight Days.
72. Express Colour and special Traverses not necessary.
73. Formal Commencement and Prayer of Judgment unnecessary.
74. Commencement of Plea.
75. Character of Assignees of Bankrupt, &c. to be taken as admitted, if not denied.
76. Effect of Plea of Non assumpsit in Actions on Simple Contract.
77. Pleas of Non assumpsit and Never indebted not to be allowed in Actions on Bills of Exchange and Promissory Notes.
78. Effect of Plea of Non est factum.
79. Plea of Nil debet not to be allowed.
80. Defences by way of Confession and Avoidance to be specially pleaded in Actions upon Contract.
81. Payment not to be given in Evidence in reduction of Amount without Plea.
82. Effect of Plea of Non detinet.
83. Effect of Plea of Not Guilty in Actions of Wrong.
84. General Issue may be pleaded in certain Actions.
85. In Actions of Wrong, Defences in Confession and Avoidance to be specially pleaded.

86. Effect

CLAUSE.
86. Effect of Plea of Not Guilty in Actions of Trespass.
87. Effect of Plea of Not Guilty in Actions for taking Goods.
88. Set-off.
89. Plea of Matter subsequent to Action.
90. Plea Puis darrein continuance, when and how to be pleaded.
91. Payment into Court.
92. Payment into Court in Actions on Money Bonds, and for Detainer.
93. Payment into Court how pleaded.
94. Payment of Money into Court.
95. Proceeding by Plaintiff after Payment into Court.
96. Pleas to Actions partaking both of Breach of Contract and Wrong.
97. Payment, Set-off, and other Pleadings which can be construed distributively, shall be so construed.
98. Traverse of the Declaration.
99. Traverse of Plea or subsequent Pleading of Defendant.
100. Traverse of Replication or subsequent Pleading of the Plaintiff.
101. Equitable Defence may be pleaded.
102. Equitable Defence after Judgment.
103. Equitable Replication.
104. Court or Judge may strike out equitable Plea or Replication.
105. Actions on lost Instruments.
106. Joinder of Issue.
107. As to pleading and demurring together.
108. Several Matters may be pleaded at any Stage of the Pleadings.
109. Objections to Pleadings to be heard on Application to plead several Matters.
110. Certain Pleas may be pleaded together without Leave.
111. For pleading several Matters without Leave, Judgment may be signed.
112. One new Assignment only allowed in respect of the same Cause of Action.
113. Pleas not to be repeated.
114. Form of Demurrer and Joinder in Demurrer.
115. Time for pleading after Amendment.
116. Pleadings subsequent to the Declaration not to be filed.

Examples of Pleading.

117. Forms in Schedule may be adopted.

Judgment by Default, and ascertaining Amount to be recovered.

CLAUSE.
118. Rule to compute unnecessary.
119. Inquiry of Damages may be directed to take place before the Master.
120. Ordinary Writ of Inquiry in other Cases.
121. Inquiries may be directed to take place before Master of the Court. Inquiries may be directed to take place before a Judge.

Discovery.

122. Affidavits on new Matter.
123. Power to Court or Judge to direct oral Examination of Witnesses.
124. Proceedings before and upon such Examination.
125. Examination of Person who refuses to make an Affidavit.
126. Proceedings upon Order for Examination.
127. Discovery of Documents.
128. Power to deliver written Interrogatories to opposite Party.
129. Affidavits by Party proposing to interrogate, and his Attorney.
130. Oral Examination of Parties, when to be allowed.
131. Proceedings upon such Rule or Order.
132. Depositions upon such Examinations to be returned to Master's Office.
133. Examiner may make Report to the Court.
134. Costs of Rule and Examination to be in the Discretion of the Court.

Mandamus and Injunction.

135. Action for Mandamus to enforce the Performance of Duties.
136. Declaration in Action for Mandamus.
137. Proceedings upon Claim for Mandamus.
138. Judgment and Execution.
139. Form of peremptory Writ.
140. Effect of Writ of Mandamus, and Proceedings to enforce it.
141. The Court may order the Act to be done at the Expense of the Defendant.
142. Prerogative Writ of Mandamus preserved.
143. Proceedings for Prerogative Writ of Mandamus.
144. Proceedings on Prerogative Writ of Mandamus.
145. Specific Delivery of Chattels.

CLAUSE
146. Claim of Writ of Injunction.
147. Form of Writ of Summons and Indorsement thereon.
148. Form of Proceedings and of Judgment.
149. Writ of Injunction may be applied for at any Stage of the Cause.
150. Costs of Writs of Mandamus and Injunction may be included in Writs.

Notice of Trial, Inquiry, and Countermand.

151. Time for Notice of Trial and Inquiry.
152. Notice of Countermand.
153. Costs of the Day.
154. Proceeding where Plaintiff neglects to bring on the Cause to to be tried.

Nisi Prius Record.

155. Nisi Prius record not to be sealed or passed.

Juries and Jury Process.

156. Precept by Judges of Assize to summon Jurors for Civil as well as Criminal Trials.
157. A printed Panel to be prepared and annexed to the Record.
158. Sheriffs of County and County of City of Dublin to summon Common Jurors, and prepare a Panel to be annexed to the Record.
159. Special Jurors to be summoned to try all Special Jury Causes.
160. Mode of obtaining a Special Jury.
161. Remedy for Delay by Notice of Trial by Special Jury.
162. Notice to Sheriff of Trial by Special Jury.
163. If Special Jury not summoned, cause to be tried by a Common Jury.
164. View to be by Rule.
165. Court or Judge may provide for View out of the County, or County of City in which Action is to be tried.
166. Inspection by Jury of Parties or Witnesses.
167. Rule or Order for summoning Jury.
168. Proceedings before Jurors so returned.
169. Defendant's Right to try, upon Default of the Plaintiff, preserved.

Clause

170. Two Judges may sit at same Time for Trial of Causes pending in the same Court.
171. Power to the Court or Judge in certain Cases to direct Trial to take place before Chairman or Recorder.

Arbitration.

172. Power to Court or Judge to direct Arbitration before Trial.
173. Special Case may be stated, and Question of Fact tried.
174. Arbitrator may state Special Case.
175. Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.
176. Proceedings before and Power of such Arbitrator.
177. Power to send back to Arbitrator.
178. Application to set aside the Award.
179. Enforcing of Awards within Period for setting them aside.
180. If Action commenced by One Party after all have agreed to Arbitration, the Court or Judge may stay Proceedings.
181. On Failure of Parties or Arbitrators, Court or Judge may appoint single Arbitrator or Umpire.
182. When Reference is to Two Arbitrators, and One Party fail to appoint, other Party may appoint Arbitrator to act alone.
183. Two Arbitrators may appoint Umpire.
184. Award to be made in Three Months, unless Parties or Court enlarge Time.
185. Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment.
186. Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.

Admission of Documents, Proceedings at Trial and Evidence.

187. Admission of Documents.
188. Proof of Admissions.
189. Proof of Notice to produce.
190. Speeches to the Jury.
191. Power to adjourn Trial.
192. Affirmation instead of Oath in certain Cases.
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SCHEDULES.

A

BILL

TO

Amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland.

Preamble.

WHEREAS it is expedient to amend the Process, Practice, and Mode of Pleading in the Superior Courts of Common Law at Dublin, with the View of establishing Uniformity in the Superior Courts of Common Law in England and Ireland, in the Process, Practice, and Mode of Pleading therein:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

1. The Provisions of this Act shall come into operation on the Day of in the Year .

Writs for Commencement of Actions.

And with respect to the Writs for the Commencement of personal Actions in the Superior Courts of Common Law at Dublin, against Defendants, whether in or out of the Jurisdiction of the Courts, be it enacted, as follows:

Personal Actions when Defendant re-

2. All personal Actions brought in Her Majesty's Superior Courts of Common Law at Dublin, where the Defendant is residing or supposed to reside within the Jurisdiction of the said Courts,

sides within the Jurisdiction to be commenced by Writ of Summons in Form No. 1. of Schedule (A).
15 & 16 Vict. c. 76. s. 2.
16 & 17 Vict. c. 113. s. 8

other than in Cases of summary Procedure upon Bills of Exchange and Promissory Notes, which are herein-after specially provided for, shall be commenced by Writ of Summons in the Form contained in the Schedule (A.) to this Act annexed, marked No. 1., and in every such Writ and Copy thereof the Place and County of the Residence or supposed Residence of the Party Defendant, or wherein the Defendant shall or shall be supposed to be, shall be mentioned; and such Writ shall be authenticated by the Common Seal of the Superior Courts of Law at Dublin, to be thereunto set by the Clerk of the Writs, who shall not be required to sign such Writ, but shall enter the Particulars thereof in a Book to be kept for that Purpose, at the Time of the sealing thereof; and such Writ shall bear Date on the Day on which it shall be sealed, and may be issued out at any Time, notwithstanding any Privilege.

Writs for Commencement of Actions to be issued in Rotation for the several Courts.
16 & 17 Vict. c. 113. s. 15.

3. All Writs of Summons for the Commencement of Actions in the said Courts, in Cases in which they have a common Jurisdiction, shall, by the Clerk of the Writs, be entered and appropriated to the several Superior Courts of Law in Rotation by *Twenty-fives*, that is to say, the First *Twenty-five* for the Queen's Bench, the Second *Twenty-five* for the Common Pleas, and the Third *Twenty-five* for the Exchequer, and so on in continuous Rotation of *Twenty-fives* for the several Courts, so as to produce and keep up an equal Distribution of such Writs; and all subsequent Proceedings in any Action so commenced shall be had and taken in the Court to which the said Writ shall be in the Course of Rotation appropriated, and shall be the Business of the said Court and the Offices thereof: Provided always, that no Objection on the Ground of any Privilege possessed or claimed by any Defendant to be sued in any particular Court shall be valid in any such Action.

No Objection on Ground of Privilege to be valid.

No Form or Cause of Action to be mentioned in Writ.
15 & 16 Vict. c. 76. s. 3.

4. It shall not be necessary to mention any Form or Cause of Action in any Writ of Summons, or in any Notice of Writ of Summons, issued under the Authority of this Act in any personal Action.

Writ to state Names of all Defendants, and for only One Action.
15 & 16 Vict. c. 76. s. 4.

5. Every Writ of Summons shall contain the Names of all the Defendants, and shall not, save in Cases of summary Procedure upon Bills of Exchange and Promissory Notes, contain the Name or Names of any Defendant or Defendants in more Actions than One.

Writ to be dated on Day of issuing, and tested

6. Every Writ of Summons for the Commencement of Actions in the said Courts, in Cases in which they have a common Jurisdiction, shall bear Date on the Day on which the same shall be issued, and shall be tested in the Name of the Superior Courts of Common Law at Dublin, according to the Form contained in the Writ marked No. 1. in the Schedule (A.) to this Act annexed.

in Name of Superior Courts of Law.

15 & 16 Vict. c. 76. s. 5.

Writ to be indorsed with Name and Abode of Attorney, or a Memorandum that Writ has been sued by Plaintiff in person.

7. Every Writ of Summons shall be indorsed with the Name and Place of Abode of the Attorney actually suing out the same; and in case no Attorney shall be employed to issue the Writ, then it shall be indorsed with a Memorandum expressing that the same has been sued out by the Plaintiff in person, mentioning the City, Town, or Parish, and also the Name of the Street, and Number of the House of such Plaintiff's Residence, if any such there be.

15 & 16 Vict. c. 76. s. 6.

Attorney on Demand to declare whether Writ issued by his Authority, and Name and Abode of his Client, if ordered.

8. Every Attorney whose Name shall be indorsed on any Writ issued by the Authority of this Act shall, on Demand in Writing, made by or on behalf of any Defendant, declare forthwith whether such Writ has been issued by him or with his Authority or Privity; and if he shall answer in the Affirmative, then he shall also, in case the Court or a Judge shall so order and direct, declare in Writing, within a Time to be allowed by such Court or Judge, the Profession, Occupation, or Quality and Place of Abode of the Plaintiff, on pain of being guilty of a Contempt of the Court into which such Writ shall be returnable; and if such Attorney shall declare that the Writ was not issued by him, or with his Authority or Privity, all Proceedings upon the same shall be stayed, and no further Proceedings shall be taken thereupon without Leave of the Court or a Judge.

15 & 16 Vict. c. 76. s. 7.

If Writ issued without Authority of Attorney, Proceedings to be stayed.

Indorsement of Debt and Costs on Writ and Copy of Writ for a Debt, with Notice that Proceedings will be stayed on Payment within Four Days.

9. Upon the Writ and Copy of any Writ served for the Recovery of any Debt, except in Cases of summary Procedure upon Bills of Exchange and Promissory Notes, which are herein-after specially provided for, the Amount of the Debt shall be stated, and the Amount of what the Plaintiff's Attorney claims for the Costs of such Writ, Copy, and Service, and Attendance to receive Debt and Costs, and it shall be further stated that upon Payment thereof within Four Days to the Plaintiff or his Attorney, further Proceedings will be stayed; which Indorsement shall be written or printed in the following Form or to the like Effect:

> "The Plaintiff claims £ for Debt, and "£ for Costs, and if the Amount thereof "be paid to the Plaintiff or to his Attorney within Four "Days from the Service hereof further Proceedings will be "stayed."

15 & 16 Vict. c. 76. s. 8.

But the Defendant shall be at liberty, notwithstanding such Payment, to have the Costs taxed, and if more than One Sixth shall be disallowed, the Plaintiff's Attorney shall pay the Costs of Taxation.

Concurrent Writs may be issued.
15 & 16 Vict. c. 76. s. 9.

10. The Plaintiff in any Action may, at any Time during Six Months from the issuing of the original Writ of Summons, issue One or more concurrent Writ or Writs, each concurrent Writ to bear Teste of the same Day as the original Writ, and to be marked with a Seal bearing the Word "concurrent," and the Date of issuing the concurrent Writ; and such Seal shall be provided and kept for that Purpose at the Office of the Clerk of the Writs, and shall be impressed by him upon the Writ: Provided always, that such concurrent Writ or Writs shall only be in force for the Period during which the original Writ in such Action shall be in force.

Renewal of Writs of Summons to save the Statute of Limitation, and for other Purposes.
15 & 16 Vict. c. 76. s 11.
16 & 17 Vict. c. 113. s. 28.

11. No original Writ of Summons shall be in force for more than *Six Months* from the Day of the Date thereof, including the Day of such Date; but if any Defendant therein named has not been served therewith, the original or concurrent Writ of Summons may be renewed at any Time before its Expiration, for *Six Months* from the Date of such Renewal, including the Day of such Date, and so from Time to Time during the Currency of the renewed Writ, by being marked with the Common Seal of the Superior Courts, together with a Memorandum, signed or initialed by the Officer, of the Date of the Day, Month, and Year of such Renewal; and a Writ of Summons so renewed shall remain in force and be available for all Purposes from the Date of the issuing of the original Writ of Summons: Provided always, that no Writ of Summons so renewed shall be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited, unless such Renewal shall be had by Leave of the Court or a Judge, on an Affidavit to satisfy the said Court or Judge that reasonable Diligence was used to effect Service thereof.

Production of renewed Writ Evidence of Commencement of Action.
15 & 16 Vict. c. 76. s. 13.

12. The Production of a Writ of Summons purporting to be marked with the Common Seal of the said Superior Courts and initialed by the said Officer, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed and of the Commencement of the Action as of the First Date of such renewed Writ for all Purposes.

Writ may be served in any County.
15 & 16 Vict. c. 76. s. 14.

13. The Writ of Summons in any Action may be served in any Country.

Indorsement of Service to be made.
15 & 16 Vict. c. 76. s. 15.

14. The Person serving the Writ of Summons shall and he is hereby required, within *Three* Days after such Service, to indorse on the Writ the Day of the Month and Week of the Service thereof; otherwise the Plaintiff shall not be at liberty, in case of Nonappearance, to proceed under this Act; and every Affidavit of

Service of such Writ shall mention the Day on which such Indorsement was made.

As to Service of Writ on Corporations and Inhabitants of Baronies and Towns. 15 & 16 Vict. c. 76. s. 16.

15. Every such Writ of Summons issued against a Corporation aggregate may be served on the Mayor or other Head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Barony, Half-Barony, or other like District, may be served on the High Constable thereof, or any One of the High Constables thereof; and every such Writ issued against the Inhabitants of any County of any City or Town, or the Inhabitants of any Franchise, Liberty, City, Town, or Place, not being Part of a Barony or other like District, on some Peace Officer thereof, or other known and responsible Officer thereof.

Proceedings where personal Service cannot be effected, but Defendant knows of the Writ and evades Service. 15 & 16 Vict. c. 76. s. 17.

16. The Service of the Writ of Summons, wherever it may be practicable, shall be personal, but it shall be lawful for the Plaintiff to apply from Time to Time, on Affidavit, to the Court into which the Writ of Summons is returnable, or to a Judge thereof; and in case it shall appear to such Court or Judge that reasonable Efforts have been made to effect personal Service, and either that the Writ has come to the Knowledge of the Defendant, or that he wilfully evades Service of the same, and has not appeared thereto, it shall be lawful for such Court or Judge to order that the Plaintiff be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Court or Judge may seem fit.

As to Actions against British Subjects residing out of the Jurisdiction of Superior Courts. 15 & 16 Vict. c. 76. s. 18.

17. In case any Defendant, being a British Subject, is residing out of the Jurisdiction of the Superior Courts, in any Place except in Scotland or England, it shall be lawful for the Plaintiff to issue a Writ of Summons in the Form contained in the Schedule (A.) to this Act annexed, marked No. 2., which Writ shall bear the Indorsement contained in the said Form, purporting that such Writ is for Service out of the Jurisdiction of the said Superior Courts; and the Time for Appearance by the Defendant to such Writ shall be regulated by the Distance from Ireland of the Place where the Defendant is residing; and it shall be lawful for such Court or Judge as aforesaid, upon being satisfied by Affidavit that there is a Cause of Action which arose within the Jurisdiction, or in respect of the Breach of a Contract made within the Jurisdiction, and that the Writ was personally served upon the Defendant, or that reasonable Efforts were made to effect personal Service thereof upon the Defendant, and that it came to his Knowledge, and either that the Defendant wilfully neglects to appear to such Writ, or that he is living out of the Jurisdiction of the said Courts in order to defeat and delay his Creditors, to direct from Time to Time that the Plaintiff shall be at liberty to proceed in the Action in such Manner and subject to such Conditions as to such Court or Judge may seem fit, having regard to the Time allowed for the Defendant to appear being reasonable, and to the other Circumstances of the Case: Provided always, that the Plaintiff shall, and he is hereby required to prove the Amount of the Debt or Damages claimed by him in such Action, either before a Jury, upon a Writ of Inquiry, or before One of the Masters of the said Superior Courts in the Manner herein-after provided, according to the Nature of the Case, as such Court or Judge may direct; and the making such Proof shall be a Condition precedent to his obtaining Judgment.

As to Actions against Foreigners residing out of the Jurisdiction of Superior Courts.
15 & 16 Vict. c. 76. s. 19.

18. In any Action against a Person residing out of the Jurisdiction of the said Courts, and not being a British Subject, the like Proceedings may be taken as against a British Subject resident out of the Jurisdiction, save that in lieu of the Form of Writ of Summons in the Schedule (A.) to this Act annexed, marked No. 2., the Plaintiff shall issue a Writ of Summons according to the Form contained in the said Schedule (A.), marked No. 3., and shall in manner aforesaid serve a Notice of such last-mentioned Writ upon the Defendant therein mentioned, which Notice shall be in the Form contained in the said Schedule, also marked No. 3.; and such Service shall be of the same Force and Effect as the Service of the Writ of Summons in any Action against a British Subject resident abroad, and by Leave of such Court or Judge as aforesaid, upon their or his being satisfied by Affidavit as aforesaid, the like Proceedings may be had and taken thereupon.

Courts may direct Substitution of Service.
16 & 17 Vict. c. 113. s. 34.

19. In case any Defendant is residing out of the Jurisdiction of the said Superior Courts, it shall be lawful for the said Court or Judge as aforesaid, upon being satisfied by Affidavit that there is a Cause of Action which arose within the Jurisdiction, or in respect of the Breach of a Contract made within the Jurisdiction, and that such Defendant can be properly served through any Agent or Representative, Attorney or Solicitor, or any Manager of the Real or Personal Estate of such Defendant within such Jurisdiction, upon an Application made at any Time while the said Writ shall be in force, to authorize such Substitution of Service through the Post Office, or in such Manner, and with such Extensions of Time for Service and Appearance, as to them or him shall seem fit; and that in default of an Appearance the Plaintiff may proceed thereon to Judgment as the Court or Judge may direct; and the Taxing Officer shall allow reasonable Costs on such Proceedings for substituting Service or effecting such Service as the Court or Judge shall have directed or deemed good.

20. If the Plaintiff or his Attorney shall omit to insert in or indorse on any Writ or Copy thereof any of the Matters herein-before required to be inserted therein or indorsed thereon, such Writ or Copy thereof shall not on that Account be held void, but it may be set aside as irregular or amended, upon Application to be made to the Court into which the same shall be returnable, or to a Judge; and such Amendment may be made upon Application to set aside the Writ upon such Terms as to the Court or Judge may seem fit.

Omission to insert or indorse Matters in or on Writ not to nullify it. 15 & 16 Vict. c. 76. s. 20.

21. If any of the Forms of Writ of Summons contained in the Schedule (A.) to this Act annexed, and marked respectively Nos. 1., 2., and 3., shall by Mistake or Inadvertence be substituted for any other of them, such Mistake or Inadvertence shall not be an Objection to the Writ or any other Proceeding in such Action; but the Writ may, upon an ex parte Application to the Court or a Judge, whether before or after any Application to set aside such Writ or any Proceeding thereon, and whether the same or Notice thereof shall have been served or not, be amended by such Court or Judge without Costs.

Substitution by Mistake or Inadvertence of One Form of Writ for another, may be amended without Costs. 15 & 16 Vict. c. 76. s. 21.

22. A Writ for Service within the Jurisdiction may be issued and marked as a concurrent Writ with One for Service out of the Jurisdiction, and a Writ for Service out of the Jurisdiction may be issued and marked as a concurrent Writ with One for Service within the Jurisdiction.

Writs for Service within and without Jurisdiction may be concurrent. 15 & 16 Vict. c. 76. s. 22.

23. In all Cases other than Cases of summary Procedure upon Bills of Exchange and Promissory Notes, which are herein-after specially provided for, where the Defendant resides within the Jurisdiction of the said Courts, and the Claim is for a Debt or liquidated Demand in Money, with or without Interest, arising upon a Contract expressed or implied, as for Instance on a Bill of Exchange, Promissory Note, or Cheque, or other Simple Contract Debt, or on a Bond or Contract under Seal for Payment of a liquidated Amount of Money, or on a Statute where the Sum sought to be recovered is a fixed Sum of Money, or in the Nature of a Debt, or on a Guarantee, whether under Seal or not, where the Claim against the Principal is in respect of such Debt or liquidated Demand, Bill, Cheque, or Note, the Plaintiff shall be at liberty to make upon the Writ of Summons and Copy thereof a special Endorsement of the Particulars of his Claim, in the Form contained in

Special Endorsement of the Particulars of Debts or liquidated Demands may be made on the Writ. 15 & 16 Vict. c. 76. s. 25.

in the Schedule (A.) to this Act annexed, marked No. 4., or to the like Effect; and when a Writ of Summons has been endorsed in the special Form herein-before mentioned, the Endorsement shall be considered as Particulars of Demand, and no further or other Particulars of Demand need be delivered, unless ordered by the Court or a Judge.

Special Endorsement to stand for Particulars of Demand.

Appearance, and Proceedings in default of Appearance.

And with respect to the Appearance of the Defendant, and the Proceedings of the Plaintiff in default of Appearance, be it enacted as follows:

Final Judgment upon Writ specially endorsed in default of Appearance. 15 & 16 Vict. c. 76. s. 27.

24. In case of Nonappearance by the Defendant, where the Writ of Summons is endorsed in the special Form herein-before provided, it shall and may be lawful for the Plaintiff, on filing an Affidavit of personal Service of the Writ of Summons, or the Order of a Court or Judge for Leave to proceed under the Provisions of this Act, and a Copy of the Writ of Summons, at once to sign final Judgment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 5. (on which Judgment no Proceeding in Error shall lie), for any Sum not exceeding the Sum endorsed on the Writ, together with Interest at the Rate specified, if any, to the Date of the Judgment, and a Sum for Costs (to be fixed by a General Order to be made as herein-after mentioned), unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way; and the Plaintiff may upon such Judgment issue Execution at the Expiration of Eight Days from the last Day for Appearance, and not before: Provided always, that it shall be lawful for the Court or a Judge, either before or after final Judgment, to let in the Defendant to defend, upon an Application supported by satisfactory Affidavits accounting for the Nonappearance, and disclosing a Defence upon the Merits.

Judgment for Nonappearance where the Writ is not endorsed in the special Form. 15 & 16 Vict. c. 76. s. 28.

25. In case of such Nonappearance, where the Writ of Summons is not endorsed in the special Form herein-before provided, it shall and may be lawful for the Plaintiff, on filing an Affidavit of personal Service of the Writ of Summons, or the Order for Leave to proceed under the Provisions of this Act, or in the Case of Service substituted under the Provisions of this Act, on filing the Order directing such Substitution of Service, and an Affidavit, and such Documents as may be necessary for the Purpose of showing that the Requirements of such Order have been satisfied, and a Copy of the Writ of Summons, to file a Declaration endorsed with a Notice to plead in Eight Days, and to sign Judgment by Default at the Expiration of the Time to plead so endorsed as aforesaid; and in the event of no Plea being delivered where the Cause of Action mentioned in the Declaration is for any of the Claims which might have been inserted in the special Endorsement on the Writ of Summons herein-before provided, and the Amount claimed is endorsed on the Writ of Summons, the Judgment shall be final, and Execution may issue for an Amount not exceeding the Amount endorsed on the Writ of Summons, with Interest at the Rate specified, if any, and the Sum fixed by a General Order for Costs, as herein-before mentioned, unless the Plaintiff claim more, in which Case the Costs shall be taxed in the ordinary Way: Provided always, that in such Case the Plaintiff shall not be entitled to more Costs than if he had made such special Endorsement and signed Judgment upon Nonappearance.

26. The Defendant may appear at any Time before Judgment, and if he appear after the Time specified either in the Writ of Summons or in any Order to proceed as if personal Service had been effected, or in any Order directing Substitution of Service, he shall, after Notice of such Appearance to the Plaintiff or his Attorney, as the Case may be, be in the same Position as to Pleadings and other Proceedings in the Action as if he had appeared in Time: Provided always, that a Defendant appearing after the Time appointed by the Writ shall not be entitled to any further Time for pleading or any other Proceeding than if he had appeared within such appointed Time.

Appearance to be entered at any Time before Judgment.
15 & 16 Vict. c. 76. s. 29.

27. Every Appearance by the Defendant in Person shall give an Address in Dublin, at which it shall be sufficient to leave all Pleadings and other Proceedings not requiring personal Service; and if such Address be not given the Appearance shall not be received; and if an Address so given shall be illusory or fictitious, the Appearance shall be irregular, and may be set aside by the Court or a Judge, and the Plaintiff may be permitted to proceed by posting the Proceedings in the Master's Office without further Service.

Appearance by the Defendant in Person to give an Address, at which Proceedings may be served.
15 & 16 Vict. c. 76. s. 30.

28. The Mode of Appearance to every such Writ of Summons or under the Authority of this Act shall be by delivering a Memorandum in Writing according to the following Form, or to the like Effect:

"*A.B.*, Plaintiff, against *C.D.*, *or*
"against *C.D.* and another, *or*
"against *C.D.* and others:
} The Defendant, *C.D.* appears in Person, *or* *E.F.*, Attorney for *C.D.*, appears for him.

[*If the Defendant appears in Person, here give his Address.*]
"Entered the Day of 18 ."

Such Memorandum to be delivered to the proper Officer or Person in that Behalf, and to be dated on the Day of the Delivery thereof.

Mode of Appearance to Writ of Summons.
15 & 16 Vict. c. 76. s. 31.

Proceedings mentioned in Writ or Notice may be had and taken.
15 & 16 Vict. c. 76. s. 32.

29. All such Proceedings as are mentioned in any Writ or Notice issued under this Act shall and may be had and taken in default of a Defendant's Appearance.

Proceedings where only some of the Defendants appear to a Writ specially endorsed.
15 & 16 Vict. c. 76. s. 33.

30. In any Action brought against Two or more Defendants, where the Writ of Summons is endorsed in the special Form hereinbefore provided, if One or more of such Defendants only shall appear, and another or others of them shall not appear, it shall and may be lawful for the Plaintiff to sign Judgment against such Defendant or Defendants only as shall not have appeared, and, before Declaration against the other Defendant or Defendants, to issue Execution thereupon, in which Case he shall be taken to have abandoned his Action against the Defendant or Defendants who shall have appeared; or the Plaintiff may, before issuing such Execution, declare against such Defendant or Defendants as shall have appeared, stating by way of Suggestion the Judgment obtained against the other Defendant or Defendants who shall not have appeared, in which Case the Judgment so obtained against the Defendant or Defendants who shall not have appeared shall operate and take effect in like Manner as a Judgment by Default obtained before the Commencement of the "Common Law Procedure Amendment Act (Ireland), 1853," against One or more of the several Defendants in an Action of Debt before the Commencement of the said Act.

Joinder of Parties.

And with respect to the Joinder of Parties to Actions, be it enacted as follows:

Joinder as Plaintiffs of all Persons supposed to be legally entitled.
23 & 24 Vict. c. 126. s. 19.

31. The Joinder of too many Plaintiffs shall not be fatal, but every Action may be brought in the Name of all the Persons in whom the legal Right may be supposed to exist; and Judgment may be given in favour of the Plaintiffs by whom the Action is brought, or of One or more of them; or in case of any Question of Misjoinder being raised, then in favour of such One or more of them as shall be adjudged by the Court to be entitled to recover: Provided always, that the Defendant, though unsuccessful, shall be entitled to his Costs occasioned by joining any Person or Persons in whose Favour Judgment is not given, unless otherwise ordered by the Court or a Judge.

Defendant to have Benefit of Set-off, though some Plaintiffs improperly joined.
23 & 24 Vict. c. 126. s. 20.

32. Upon the Trial of such Cause, a Defendant who has therein pleaded a Set-off may obtain the Benefit of his Set-off by proving either that all the Parties named as Plaintiffs are indebted to him, notwithstanding that One or more of such Plaintiffs was or were improperly joined, or on proving that the Plaintiff or Plaintiffs who established their Right to maintain the Cause is or are indebted to him.

33. No other Action shall be brought against the Defendant by any Person so joined as Plaintiff in respect of the same Cause of Action.

No other Action for same Claim to be brought. 23 & 24 Vict. c. 126. s. 21.

34. It shall and may be lawful for the Court or a Judge, at any Time before the Trial of any Cause, to order that any Person or Persons not joined as Plaintiff or Plaintiffs in such Cause shall be so joined; or that any Person or Persons originally joined as Plaintiff or Plaintiffs shall be struck out from such Cause, if it shall appear to such Court or Judge that Injustice will not be done by such Amendment, and that the Person or Persons to be added as aforesaid consent, either in person or by Writing under his, her, or their Hands, to be so joined, or that the Person or Persons to be struck out as aforesaid were originally introduced without his, her, or their Consent, or that such Person or Persons consent in the Manner aforesaid to be so struck out; and such Amendment shall be made upon such Terms as to the Amendment of the Pleadings, if any, Postponement of the Trial, and otherwise, as the Court or Judge by whom such Amendment is made shall think proper; and when any such Amendment shall have been made, the Liability of any Person or Persons who shall have been added as Co-Plaintiff or Co-Plaintiffs shall, subject to any Terms imposed as aforesaid, be the same as if such Person or Persons had been originally joined in such Cause.

Nonjoinder and Misjoinder of Plaintiffs may be amended before Trial. 15 & 16 Vict. c. 76. s. 34.

35. In case it shall appear at the Trial of any Action that there has been a Misjoinder of Plaintiffs, or that some Person or Persons not joined as Plaintiff or Plaintiffs ought to have been so joined, and the Defendant shall not, at or before the Time of pleading, have given Notice in Writing that he objects to such Misjoinder or Nonjoinder, specifying therein the Name or Names of such Person or Persons, such Misjoinder or Nonjoinder may be amended as a Variance at the Trial by any Court of Record holding Plea in Civil Actions, and by any Judge sitting at Nisi Prius or other presiding Officer, in like Manner as to the Mode of Amendment, and Proceedings consequent thereon, or as near thereto as the Circumstances of the Case will admit, as in the Case of Amendments of Variances under the Provisions of the Forty-eighth Section of an Act of Parliament passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty the Queen, intituled "An Act for abolishing Arrest on Mesne Process in Civil "Actions, except in certain Cases; for extending the Remedies of "Creditors against the Property of Debtors; and for the further "Amendment of the Law and the better Advancement of Justice "in Ireland" (which Section is hereby for the Purposes of this

Nonjoinder and Misjoinder of Plaintiffs may be amended at the Trial as in Cases of Amendments of Variances under 3 & 4 Vict. c. 105. s. 48. 15 & 16 Vict. c. 76. s. 35.

Act re-enacted), if it shall appear to such Court or Judge or other presiding Officer that such Misjoinder or Nonjoinder was not for the Purpose of obtaining an undue Advantage, and that Injustice will not be done by such Amendment, and that the Person or Persons to be added as aforesaid consent, either in person or by Writing under his, her, or their Hands, to be so joined, or that the Person or Persons to be struck out as aforesaid were originally introduced without his, her, or their Consent, or that such Person or Persons consent in manner aforesaid to be so struck out; and such Amendment shall be made upon such Terms as the Court or Judge or other presiding Officer by whom such Amendment is made shall think proper; and when any such Amendment shall have been made, the Liability of any Person or Persons who shall have been added as Co-Plaintiff or Co-Plaintiffs shall, subject to any Terms imposed as aforesaid, be the same as if such Person or Persons had been originally joined in such Action.

Upon Notice or Plea of Nonjoinder of Plaintiffs, Proceedings may be amended.
15 & 16 Vict. c. 76. s. 36.

36. In case such Notice be given, or any Plea in Abatement of Nonjoinder of a Person or Persons as Co-Plaintiff or Co-Plaintiffs, in Cases where such Plea in Abatement may be pleaded, be pleaded by the Defendant, the Plaintiff shall be at liberty to enter a Side Bar Order to amend the Writ and other Proceedings before Plea, by adding the Name or Names of the Person or Persons named in such Notice or Plea in Abatement, and to proceed in the Action without any further Appearance on Payment of the Costs of and occasioned by such Amendment only, and in such Case the Defendant shall be at liberty to plead de novo.

Misjoinder of Defendants may be amended before or at Trial.
15 & 16 Vict. c. 76. s. 37.

37. It shall and may be lawful for the Court or a Judge in the Case of the Joinder of too many Defendants in any Action on Contract, at any Time before the Trial of such Cause, to order that the Name or Names of One or more of such Defendants be struck out, if it shall appear to such Court or Judge that Injustice will not be done by such Amendment; and the Amendment shall be made upon such Terms as the Court or Judge by whom such Amendment is made shall think proper; and in case it shall appear at the Trial of any Action on Contract that there has been a Misjoinder of Defendants, such Misjoinder may be amended as a Variance at the Trial, in like Manner as the Misjoinder of Plaintiffs has been herein-before directed to be amended, and upon such Terms as the Court or Judge or other presiding Officer by whom such Amendment is made shall think proper.

Proceeding when Nonjoinder of

38. No Plea in Abatement for the Nonjoinder of any Person as a Co-Defendant shall be allowed unless it shall be stated in such Plea that such Person is resident within the Jurisdiction of the Court, and unless the Place of Residence of such Person shall be stated with convenient Certainty in an Affidavit verifying such Plea; and upon any Objection for the Nonjoinder of a Defendant being taken by Plea in Abatement, it shall be competent to the Plaintiff to reply that such Person has been discharged by Bankruptcy or Insolvency, or that the Statute of Limitations would be a Bar to any Action against him.

Defendant objected to. 3 & 4 Vict. c. 105. ss. 37, 38.

39. In any Action on Contract where the Nonjoinder of any Person or Persons as a Co-Defendant or Co-Defendants has been pleaded in Abatement, the Plaintiff shall be at liberty to enter a Side Bar Order to amend the Writ of Summons and the Declaration, by adding the Name or Names of the Person or Persons named in such Plea in Abatement as joint Contractors, and to serve the amended Writ upon the Person or Persons so named in such Plea in Abatement, and to proceed against the original Defendant or Defendants and the Person or Persons so named in such Plea in Abatement: Provided, that the Date of such Amendment shall, as between the Person or Persons so named in such Plea in Abatement and the Plaintiff, be considered for all Purposes as the Commencement of the Action.

Upon Plea in Abatement for Nonjoinder of Defendants, Proceedings may be amended. 15 & 16 Vict. c. 76. s. 38.

40. In all Cases after such Plea in Abatement and Amendment, if it shall appear upon the Trial of the Action that the Person or Persons so named in such Plea in Abatement was or were jointly liable with the original Defendant or Defendants, the original Defendant or Defendants shall be entitled as against the Plaintiff to the Costs of such Plea in Abatement and Amendment; but if at such Trial it shall appear that the original Defendant or any of the original Defendants is or are liable, but that One or more of the Persons named in such Plea in Abatement is or are not liable as a contracting Party or Parties, the Plaintiff shall nevertheless be entitled to Judgment against the other Defendant or Defendants who shall appear to be liable; and every Defendant who is not so liable shall have Judgment, and shall be entitled to his Costs as against the Plaintiff, who shall be allowed the same, together with the Costs of the Plea in Abatement and Amendment, as Costs in the Cause against the original Defendant or Defendants who shall have so pleaded in Abatement the Nonjoinder of such Person: Provided, that any such Defendant who shall have so pleaded in Abatement shall be at liberty on the Trial to adduce Evidence of the Liability of the Defendants named by him in such Plea in Abatement.

Provision in the Case of subsequent Proceedings against the Persons named in a Plea in Abatement for Nonjoinder of Defendants. 15 & 16 Vict. c. 76. s. 39.

Joinder of Claims by Husband and Wife, with Claims in right of Husband. 16 & 17 Vict. c. 113. s. 55.

41. In any Action brought by a Man and his Wife for any Cause of Action arising in respect of the Wife, and in respect of which she is necessarily joined as Co-Plaintiff, it shall be lawful for the Husband to add thereto Claims in his own Right, and separate Actions brought in respect of such Claims may be consolidated if the Court or Judge shall think fit: Provided, that in the Case of the Death of either Plaintiff such Suit, so far only as relates to the Causes of Action, if any, which do not survive, shall abate.

Joinder of Causes of Action.

And with respect to Joinder of Causes of Action, be it enacted as follows:

Different Causes of Action may be joined, but separate Trials may be ordered 15 & 16 Vict. c. 76. s. 41.

42. Causes of Action of whatever Kind, provided they be by and against the same Parties and in the same Rights, may be joined in the same Suit, but this shall not extend to Real Actions or to Actions of Replevin or Ejectment; and where Two or more of the Causes of Action so joined are local and arise in different Counties the Venue may be laid in either of such Counties, but the Court or a Judge shall have Power to prevent the Trial of different Causes of Action together if such Trial would be inexpedient, and in such Cases such Court or Judge may order separate Records to be made up and separate Trials to be had.

Questions by Consent without Pleading.

And for the Determination of Questions raised by Consent of the Parties without Pleading, be it enacted as follows:

Questions of Fact may, after Writ issued by Consent and Leave of a Judge, be raised without Pleadings. 15 & 16 Vict. c. 76. s. 42.

43. Where the Parties to an Action are agreed as to the Question or Questions of Fact to be decided between them, they may, after Writ issued and before Judgment, by Consent and Order of the Court or a Judge, (which Order the said Court or Judge shall have Power to make, upon being satisfied that the Parties have a bonâ fide Interest in the Decision of such Question or Questions, and that the same is or are fit to be tried,) proceed to the Trial of any Question or Questions of Fact without formal Pleadings; and such Question or Questions may be stated for Trial in an Issue in the Form contained in the Schedule (A.) to this Act annexed, marked No. 6, and such Issue may be entered for Trial and tried accordingly in the same Manner as any Issue joined in an ordinary Action; and the Proceeding in such Action and Issue shall be under and subject to the ordinary Control and Jurisdiction of the Court as in other Actions.

Agreement may be entered into for the Payment of Money and Costs ac-

44. The Parties may, if they think fit, enter into an Agreement in Writing, which shall not be subject to any Stamp Duty, and which shall be embodied in the said or or any subsequent Order, that upon the Finding of the Jury in the Affirmative or Negative of such Issue or Issues, a Sum of Money fixed by the Parties, or to be ascertained by the Jury upon a Question inserted in the Issue for that Purpose, shall be paid by One of such Parties to the other of them, either with or without the Costs of the Action.

cording to the Result of the Issue.
15 & 16 Vict. c. 76. s. 43.

45. Upon the Finding of the Jury in any such Issue, Judgment may be entered for such Sum as shall be so agreed or ascertained as aforesaid, with or without Costs, as the Case may be, and Execution may issue upon such Judgment forthwith, unless otherwise agreed, or unless the Court or a Judge shall otherwise order for the Purpose of giving either Party an Opportunity for moving to set aside the Verdict or for a new Trial.

Judgment to be entered according to the Agreement, and Execution issued forthwith unless stayed.
15 & 16 Vict. c. 76. s. 44.

46. The Proceedings upon such Issue may be recorded at the Instance of either Party, and the Judgment, whether actually recorded or not, shall have the same Effect as any other Judgment in a contested Action.

Proceedings upon Issue may be recorded.
15 & 16 Vict. c. 76. s. 45.

47. The Parties to any Cause may, by Consent in Writing, signed by them or their Attorneys, as the Case may be, leave the Decision of any Issue of Fact to the Court, provided that the Court or a Judge shall, in their or his Discretion, think fit to allow such Trial; or provided the Judges of the Superior Courts of Law at Dublin shall, in pursuance of the Power herein-after given to them, make any General Rule or Order dispensing with such Allowance either in all Cases or in any particular Class or Classes of Cases to be defined in such Rule or Order; and such Issue of Fact may thereupon be tried and determined, and Damages assessed, where necessary, in open Court, either in Term or Vacation, by any Judge who might otherwise have presided at the Trial thereof by Jury, either with or without the Assistance of any other Judge or Judges of the same Court, or included in the same Commission at the Assizes; and the Verdict of such Judge or Judges shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the Ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial, as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury.

Judges may, by Consent, try Questions of Fact.
17 & 18 Vict. c. 125. s. 1.

48. The Parties may, after Writ issued, and before Judgment by Consent and Order of the Court, or a Judge, state any Question or Questions of Law in a Special Case, for the Opinion of the Court, without any Pleadings.

Questions of Law may be raised after Writ issued by Consent, &c., without Pleading.
15 & 16 Vict. c. 76. s. 46.

49. The Parties may, if they think fit, enter into an Agreement in Writing, which shall not be subject to any Stamp Duty, and

Agreement as to Payment of Money and Costs according to Judgment upon Special Case. 15 & 16 Vict. c. 76. s. 47.

which shall be embodied in the said or any subsequent Order, that upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions of Law raised by such Special Case, a Sum of Money fixed by the Parties, or to be ascertained by the Court, or in such Manner as the Court may direct, shall be paid by One of such Parties to the other of them, either with or without Costs of the Action; and the Judgment of the Court may be entered for such Sum as shall be so agreed or ascertained, with or without Costs, as the Case may be, and Execution may issue upon such Judgment forthwith unless otherwise agreed or unless stayed by Proceedings in Error.

Costs to follow the Event, unless otherwise agreed. 15 & 16 Vict. c. 76. s. 48.

50. In case no Agreement shall be entered into as to the Costs of such Action, the Costs shall follow the Event, and be recovered by the successful Party.

Pleadings in General.

And with respect to the Language and Form of Pleadings in general, be it enacted as follows:

Fictitious and needless Averments not to be made. 15 & 16 Vict. c. 76. s. 49.

51. All Statements which need not be proved, such as the Statement of Time, Quantity, Quality, and Value, where these are immaterial; the Statement of losing and finding, and Bailment in Actions for Goods or their Value; the Statement of Acts of Trespass having been committed with Force and Arms, and against the Peace of our Lady the Queen; the Statement of Promises which need not be proved, as Promises in Indebitatus Counts, and mutual Promises to perform Agreements, and all Statements of a like Kind, shall be omitted.

Judgment upon Demurrer to be given according to the very Right of the Cause. 15 & 16 Vict. c. 76. s. 50.

52. Either Party may object by Demurrer to the Pleading of the opposite Party on the Ground that such Pleading does not set forth sufficient Ground of Action, Defence, or Reply, as the Case may be; and where Issue is joined on such Demurrer the Court shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without regarding any Imperfection, Omission, Defect in or Lack of Form.

Objections by way of special Demurrer. 15 & 16 Vict. c. 76. s. 51.

53. No Pleading shall be deemed insufficient for any Defect, which, prior to the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, could only be objected to by special Demurrer.

Pleadings framed to embarrass may be struck out or amended.

54. If any Pleading be so framed as to prejudice, embarrass, or delay the fair Trial of the Action, the opposite Party may apply to the Court or a Judge to strike out or amend such Pleading, and the Court or Judge shall make such Order respecting the same, and also respecting

respecting the Costs of the Application, as such Court or Judge shall think fit.

15 & 16 Vict. c. 76. s. 52.

55. Rules to declare, or declare peremptorily, and Rules to reply and plead subsequent Pleadings shall not be necessary, and instead thereof a Notice shall be served requiring the opposite Party to declare, reply, rejoin, or otherwise, as the Case may be, within Four Days, otherwise Judgment; such Notice to be delivered separately or endorsed on any Pleading to which the opposite Party is required to reply, rejoin, or otherwise plead, as the Case may be.

Four Days Notice to declare, reply, or rejoin.
15 & 16 Vict. c. 76. s. 53.

56. Every Declaration and other Pleading shall be intituled of the proper Court, and of the Day of the Month and the Year when the same was pleaded, and shall bear no other Time or Date, and every Declaration and other Pleading shall also be entered on the Record made up for Trial and on the Judgment Roll under the Date of the Day of the Month and Year when the same respectively took place, and without reference to any other Time or Date, unless otherwise specially ordered by the Court or a Judge.

Pleadings to be dated and entered as of Time of Pleading, unless Order to the Contary.
15 & 16 Vict. c. 76. s. 54.

57. It shall not be necessary to make Profert of any Deed or other Document mentioned or relied on in any Pleading; and if Profert shall be made it shall not entitle the opposite Party to crave Oyer of or set out upon Oyer such Deed or other Document.

Profert and Oyer not necessary.
15 & 16 Vict. c. 76. s. 55.

58. A Party pleading in answer to any Pleading in which any Document is mentioned or referred to shall be at liberty to set out the whole or such Part thereof as may be material, and the Matter so set out shall be deemed and taken to be Part of the Pleading in which it is set out.

Document may be set forth, and be considered a Part of the Pleading in which it is set forth.
15 & 16 Vict. c. 76. s. 56.

59. In Actions of Libel and Slander the Plaintiff shall be at liberty to aver that the Words or Matter complained of were used in a defamatory Sense, specifying such defamatory Sense without any prefatory Averment to show how such Words or Matter were used in that Sense, and such Averment shall be put in Issue by the Denial of the alleged Libel or Slander; and where the Words or Matter set forth, with or without the alleged Meaning, show a Cause of Action, the Declaration shall be sufficient.

Declaration for Libel or Slander.
15 & 16 Vict. c. 76. s. 61.

60. It shall be lawful for the Plaintiff or Defendant in any Action to aver Performance of Conditions precedent generally, and the opposite Party shall not deny such Averment generally, but shall specify in his Pleading the Condition or Conditions precedent the Performance of which he intends to contest.

Performance of Conditions precedent may be averred generally.
15 & 16 Vict. c. 76. s. 57.

The Process or Adjudication of an inferior Jurisdiction may be pleaded generally.
16 & 17 Vict. c. 113. s. 67.

61. In pleading any Process, Decree, Judgment, or Adjudication of a Court or Officer of special or inferior Jurisdiction, it shall not be necessary for the Party pleading or relying on such Process, Decree, Judgment, or Adjudication to state in his Pleading the Facts or Matters conferring Jurisdiction on such Court or Officer to entertain the Question, or issue such Process, or make such Decree, Judgment, or Adjudication, but the same respectively may be stated in such Pleading to have been duly entertained or made by such Court or Officer; and if such Statement be controverted, the Party so pleading or relying on such Process, Decree, Judgment, or Adjudication shall on the Trial establish by Proof the Facts and Matters necessary to confer Jurisdiction on such Court or Officer to entertain the Question, or issue the Process, or make the Adjudication so pleaded as aforesaid.

Declaration.

And with regard to the Time and Manner of declaring, and to the Venue in personal Actions, and to particulars of Demand, be it enacted as follows:

Plaintiff to declare within a Year.
15 & 16 Vict. c. 76. s. 58.

62. A Plaintiff shall be deemed out of Court, unless he declare within *One Year* after the Writ of Summons is returnable.

Actions against Justices of the Peace, Mayors, &c. to be laid in the County in which the Cause of Action has arisen.
21 Jac. 1. (Eng.) c. 12. s. 5.
42 G. 3. c. 85. s. 6.

63. All Actions against Justices of the Peace for anything done by them in execution of or by reason of their Office, and all Actions of Trespass or on the Case brought against Mayors or Bailiffs of Cities or Towns Corporate, Constables, Officers of Police, and Churchwardens, for any Act done by them in execution of or by reason of their Office, or against any Person or Persons acting in their Aid or by their Command, or against any Person or Persons holding or exercising or being employed in any public Employment, or any Office, Station, or Capacity, either Civil or Military, either in or out of Ireland, and who, under and by virtue and in pursuance of any Act or Acts of Parliament, may have or may hereafter have, by virtue of any such Employment, Office, Station, or Capacity, Power or Authority to commit Persons to safe Custody, for any Act done by them in the Execution of or by reason of their Office, shall be laid and tried in the County where the Cause of Action is alleged to have arisen, and not in any other County; and if upon the Trial of any such Action the Plaintiff therein shall not prove that the Fact or Cause of Action was done or arose within the County laid as Venue in the Margin of the Declaration, the Jury shall find the Defendant not guilty, without having regard to any Evidence given by the Plaintiff relative to the Fact or Cause in respect of which the Action shall be brought: Provided always, that when any such Action shall be brought in any of the said Superior Courts against any such Person holding or exercising any such public Employment or Office, Station, or Capacity as last aforesaid, for or upon any Act, Matter, or Thing done out of the Jurisdiction of the said Courts, it shall be lawful for the Plaintiff to lay the Venue in the County or County of the City of Dublin, or in any County where the Defendant shall then reside.

64. In all Actions in which the Venue is local, the Court in which such Action shall be pending or a Judge may, on the Application of either Party, order the Issue to be tried or Writ of Inquiry to be executed in any other County or Place than that in which the Venue is laid; and for that Purpose any such Court or Judge may order a Suggestion to be entered on the Record that the Trial may be more conveniently or properly had or Writ of Inquiry executed in the County or Place where the same is ordered to take place: Provided also, that nothing herein contained shall be deemed to affect the general Jurisdiction of the Court to order the Venue to be changed in such Actions upon other Grounds.

Court or Judge may direct such Actions to be tried elsewhere.
3 & 4 Vict. c. 105. s. 47.

65. In all Actions in which the Venue is transitory it shall be lawful for the Court or a Judge to order the Venue to be changed to any other County in which the Trial can be more conveniently or properly had, on special Grounds only, and not merely because the Cause of Action arose in any particular Place or County, and for that Purpose to direct that a Suggestion be entered upon the Record that the Trial may be more conveniently or properly had in the County or Place where the same is ordered to take place.

Court or Judge may, in transitory Actions, order Venue to be changed.

66. Every Declaration shall commence as follows, or to the like Effect:

[Venue.] "*A.B.*, by *E.F.*, his Attorney [*or* in Person, *as the*
"*Case may be,*] sues *C.D.* for [*here state the Cause of Action*];"

And shall conclude as follows, or to the like Effect:

"And the Plaintiff claims £ [*or if the Action*
"*is brought to recover specific Goods*, the Plaintiff claims a
"Return of the said Goods or their Value, and £
"for their Detention]."

And the Name of a County shall in all Cases be stated in the Margin of such Declaration, and shall be taken to be the Venue intended by the Plaintiff, and no Venue shall be stated in the Body of the Declaration or in any subsequent Pleading: Provided, that in Cases in which local Description is now required, such local Description shall be given.

Forms of Commencement, &c. of Declaration.
15 & 16 Vict. c. 76. s. 59.

67. Several Counts on the same Cause of Action shall not be allowed, and any Count or Counts used in violation of this Provi-

Several Counts on the same

Cause of Action not to be allowed.

sion may, on the Application of the Party objecting, within a reasonable Time, or before an Order made for Time to plead, be struck out, or amended by the Court or a Judge, on such Terms as to Costs or otherwise as such Court or Judge may think fit: Provided always, that on an Application to the Court or a Judge to strike out any Count on the Ground of such Count being in violation of this Provision, the Court or Judge may allow such Counts on the same Cause of Action as may appear to such Court or Judge to be proper for determining the real Question in controversy between the Parties on its Merits, subject to such Terms as to Costs and otherwise as the Court or Judge may think fit.

Commencement of Declaration after Plea of Nonjoinder. 15 & 16 Vict. c. 76. s. 60.

68. In all Cases in which, after a Plea in Abatement of the Nonjoinder of another Person as Defendant, the Plaintiff shall, without having proceeded to Trial on an Issue thereon, commence another Action against the Defendant or Defendants in the Action in which such Plea in Abatement shall have been pleaded, and the Person or Persons named in such Plea in Abatement as joint Contractors, or shall amend by adding the omitted Defendant or Defendants, the Commencement of the Declaration shall be in the following Form, or to the like Effect:

> [Venue.] " *A.B.*, by *E.F.*, his Attorney [*or* in his own proper " Person, *&c.*], sues *C.D.* and *G.H.*, which said *C.D.* has here" tofore pleaded in Abatement the Nonjoinder of the said *G.H.* " for," *&c.*

Further Particulars. 16 & 17 Vict. c. 113 s. 46.

69. The Court or a Judge may, in any Case, by any Order made on Motion, direct a further or more detailed Particular of the Items of Demand or Credits referred to in any Declaration, or of any Payments or Set-off referred to in any Plea or subsequent Pleading, to be furnished; and in any Action for any Injury to Person or Property, the Court or a Judge may order Plans of the Place in which the Injury is alleged to have been committed, or as to which any Justification is pleaded, to be given or exchanged between the Parties; and in case any Order shall be made for any of the Purposes aforesaid, the Defendant shall, unless the Court or Judge shall otherwise direct, have the same Time for Pleading after Compliance with such Order as he had at the Time when Notice of such Application was given.

Pleadings.

And as to Pleas and subsequent Pleadings, be it enacted as follows:

Rules to plead and Demand of Plea not necessary. 15 & 16 Vict. c. 76. s. 62.

70. No Rule to plead or Demand of Plea shall be necessary, and the Notice to plead endorsed on the Declaration or delivered separately shall be sufficient.

71. In Cases where the Defendant is within the Jurisdiction, the Time for Pleading in Bar, unless extended by the Court or a Judge, shall be Eight Days; and a Notice requiring the Defendant to plead in Eight Days, otherwise Judgment may, whether the Declaration be delivered or filed, be endorsed upon the Declaration or delivered separately.

Time for pleading, where Defendant is within Jurisdiction, to be Eight Days. 15 & 16 Vict. c. 76. s. 63.

72. Express Colour or special Traverses shall not be necessary in any Pleading.

Express Colour or special Traverses not necessary. 15 & 16 Vict. c. 76. ss. 64, 65.

73. In a Plea or subsequent Pleading it shall not be necessary to use any Allegation of Actionem non, or Actionem ulterius non, or to the like Effect, or any Prayer of Judgment, nor shall it be necessary in any Replication or subsequent Pleading to use any Allegation of Precludi non, or to the like Effect, or any Prayer of Judgment.

Formal Commencement and Prayer of Judgment unnecessary. 15 & 16 Vict. c. 76. s. 66.

74. No formal Defence shall be required in a Plea or Avowry or Cognizance, and it shall commence as follows, or to the like Effect:

> "The Defendant, by   , his Attorney, [*or* in Person,
> "*or as the Case may be*], says that [*here state First*
> "*Defence;*]"

And it shall not be necessary to state in a Second or other Plea or Avowry or Cognizance, that it is pleaded by Leave of the Court or a Judge, or according to the Form of the Statute, or to that Effect; but every such Plea, Avowry, or Cognizance shall be written in a separate Paragraph, and numbered, and shall commence as follows, or to the like Effect:

> "And for a Second [*&c.*] Plea the Defendant says, that [*here*
> "*state Second, &c. Defence;*]"

or if pleaded to Part only, then as follows, or to the like Effect:

> "And for a Second [*&c.*] Plea to [*stating to what it is pleaded*],
> "the Defendant says, that [*&c.*];"

and no formal Conclusion shall be necessary to any Plea, Avowry, Cognizance, or subsequent Pleading.

Commencement of Plea. 15 & 16 Vict. c. 76. s. 67.

75. In all Actions by and against Assignees of a Bankrupt or Insolvent, or Executors or Administrators, or Persons authorized by Act of Parliament to sue or be sued as nominal Parties, the Character in which the Plaintiff or Defendant is stated on the Record to sue or be sued shall not in any Case be considered as in Issue, unless specially denied.

Character of Assignees of Bankrupt, &c. to be taken as admitted, if not denied.

Effect of Plea of Non assumpsit in Actions on Simple Contract.

76. In all Actions on Simple Contract, except as herein-after excepted, the Plea of "Non assumpsit," or a Plea traversing the Contract or Agreement alleged in the Declaration, shall operate only as a Denial in Fact of the express Contract, Promise, or Agreement alleged, or of the Matters of Fact from which the Contract, Promise, or Agreement alleged may be implied by Law; as for instance:—

In an Action on a Warranty such Pleas shall operate as a Denial of the Fact of the Sale and Warranty having been given, but not of the Breach; and in an Action on a Policy of Insurance, of the Subscription to the alleged Policy by the Defendant, but not of the Interest, of the Commencement of the Risk, of the Loss, or of the alleged Compliance with Warranties:

In Actions against Carriers and other Bailees for not delivering or not keeping Goods safe, or not returning them on Request, and in Actions against Agents for not accounting, such Pleas shall operate as a Denial of any express or implied Contract to the Effect alleged in the Declaration, but not of the Breach:

To Causes of Action to which the Plea of "Never was indebted" is applicable, as provided in Schedule (B.) 35. to this Act annexed, and to those of a like Nature, the Plea of "Non assumpsit" shall be inadmissible, and the Plea of "Never was indebted" shall operate as a Denial of those Matters of Fact from which the Liability of the Defendant arises; as, for instance, in Actions for Goods bargained and sold, or sold and delivered, the Plea shall operate as a Denial of the Bargain and Sale, or Sale and Delivery, in Point of Fact; in the like Action for Money had and received it shall operate as a Denial both of the Receipt of Money and the Existence of those Facts which make such Receipt by the Defendant a Receipt to the Use of the Plaintiff.

Pleas of Non assumpsit and Never indebted not to be allowed in Actions on Bills of Exchange and Promissory Notes.

77. In all Actions upon Bills of Exchange and Promissory Notes, the Pleas of "Non assumpsit" and "Never indebted" shall be inadmissible, and every Plea in Denial must traverse some Matter of Fact; as, for instance, the drawing, or making, or endorsing, or accepting, or presenting, or Notice of Dishonour of the Bill or Note.

Effect of Plea of Non est factum.

78. In Actions on Specialities and Covenants the Plea of "Non est factum" shall operate as a Denial of the Execution of the Deed in Point of Fact only, and all other Defences shall be specially pleaded, including Matters which make the Deed absolutely void, as well as those which make it voidable.

79. The Plea of "Nil debet" shall not be allowed in any Action.

Plea of Nil debet not to be allowed.

80. In Actions on Contract all Matters in Confession and Avoidance, including not only those by way of Discharge but those which show the Transaction to be either void or voidable in Point of Law, on the Ground of Fraud or otherwise; as, for instance, Infancy, Coverture, Release, Payment, Performance, Illegality of Consideration, either by Statute or Common Law, drawing, endorsing, accepting, &c., Bills or Notes by way of Accommodation, Set-off, mutual Credit, Unseaworthiness, Misrepresentation, Concealment, Deviation, and other Defences of the like Character, shall be specially pleaded.

Defence by way of Confession and Avoidance to be specially pleaded in Actions upon Contract.

81. Payment, whether before Action brought, or when made into Court, shall not in any Case be allowed to be given in Evidence in reduction of Damages or Debt without being pleaded.

Payment not to be given in Evidence in reduction of Amount without Plea.

82. In Actions for detaining Goods, the Plea of "Non detinet" shall operate as a Denial of the Detention of the Goods by the Defendant, but not of the Plaintiff's Property therein, and no other Defence than such Denial shall be admissible under that Plea.

Effect of Plea of Non detinet.

83. In Actions of Tort the Plea of "Not Guilty" shall operate as a Denial only of the Breach of Duty or wrongful Act alleged to have been committed by the Defendant, and not of the Facts stated in the Inducement, and no other Defence than such Denial shall be admissible under that Plea; all other Pleas in denial shall take Issue on some particular Matter of Fact alleged in the Declaration; as for instance:

Effect of Plea of Not Guilty in Actions of Wrong.

In an Action for a Nuisance to the Occupation of a House by carrying on an offensive Trade, the Plea of "Not Guilty" shall operate as a Denial only that the Defendant carried on the alleged Trade in such a Way as to be a Nuisance to the Occupation of the House, and shall not operate as a Denial of the Plaintiff's Occupation of the House:

In an Action for obstructing a Right of Way, such Plea shall operate as a Denial of the Obstruction only, and not of the Plaintiff's Right of Way:

In an Action for Slander of the Plaintiff in his Office, Profession, or Trade, the Plea of "Not Guilty" shall operate in denial of speaking the Words, of speaking them maliciously, and in the defamatory Sense imputed, and with reference to the

Plaintiff's

Plaintiff's Office, Profession, or Trade, but it shall not operate as a Denial of the Fact of the Plaintiff holding the Office or being of the Profession or Trade alleged:

In Actions for an Escape, the Plea of "Not Guilty" shall operate as a Denial of the Neglect or Default of the Sheriff or his Officers, but not of the Debt, Judgment, or preliminary Proceedings:

In Actions against a Carrier, the Plea of "Not Guilty" shall operate as a Denial of the Loss or Damage, but not of the Receipt of the Goods by the Defendant as a Carrier for Hire, or of the Purpose for which they were received.

General Issue may be pleaded in certain Actions.
21 Jac. 1. (Eng.) c. 12. s. 5.

84. In all such Actions as in the Sixty-third Section of this Act mentioned, it shall be lawful for the Defendant to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Jurisdiction in Evidence under such Plea at the Trial of such Action.

In Actions of Wrong, Defences in Confession and Avoidance to be specially pleaded.

85. Save as herein otherwise provided, all Matters in Confession or Avoidance shall be specially pleaded in Actions of Tort in like Manner as in Actions on Contract.

Effect of Plea of Not Guilty in Actions of Trespass.

86. In Actions for Trespass to Land, the Plea of "Not Guilty" shall operate as a Denial that the Defendant committed the Trespass alleged in the Place mentioned, but not as a Denial of the Plaintiff's Possession or Right of Possession of that Place, which, if intended to be denied, must be traversed specially.

Effect of Plea of Not Guilty in Action for taking Goods

87. In Actions for taking, damaging, or converting the Plaintiff's Goods, the Plea of "Not Guilty" shall operate as a Denial of the Defendant having committed the Wrong alleged, by taking, damaging, or converting the Goods mentioned, but not of the Plaintiff's Property therein.

Set-off.
16 & 17 Vict. c. 113. s. 40.

88. In any Case in which there are mutual Debts between the Plaintiff and the Defendant, or if either Party sue or be sued as Executor or Administrator where there are mutual Debts between the Testator and Intestate and either Party, whether such Debts have accrued before or after Action brought, One Debt may be set off against the other, and such Matter may be pleaded, according to Circumstances, in bar of the Action, or the further Maintenance thereof, or so much of the Debt as it covers, and the Account upon which it became due shall be alleged as in a Declaration for the same Debt.

Plea of Matter subsequent to Action. 15 & 16 Vict. c. 76. s. 68.

89. Any Defence arising after the Commencement of any Action shall be pleaded according to the Fact, without any formal Commencement or Conclusion; and any Plea which does not state whether the Defence therein set up arose before or after Action shall be deemed a Plea of Matter arising before Action.

Plea Puis darrein continuance, when and how to be pleaded. 15 & 16 Vict. c. 76. s. 69.

90. In Cases in which a Plea Puis darrein continuance was before the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, pleadable in Banc or at Nisi Prius, the same Defence may be pleaded with an Allegation that the Matter arose after the last Pleading; and such Plea may, when necessary, be pleaded at Nisi Prius between the *First of August* and *Twentieth of October*, but no such Plea shall be allowed unless accompanied by an Affidavit that the Matter thereof arose within Eight Days next before the pleading of such Plea, or unless the Court or a Judge shall otherwise order.

Payment into Court. 15 & 16 Vict. c. 76. s. 70.

91. It shall be lawful for the Defendant in all Actions (except Actions for Assault and Battery, false Imprisonment, Libel, Slander, malicious Arrest or Prosecution, Criminal Conversation or debauching of the Plaintiff's Daughter or Servant), and by Leave of the Court or a Judge, and upon such Terms as they or he may think fit, for the Defendant in such excepted Actions, or for One or more of several Defendants in any Action, to pay into Court a Sum of Money by way of Compensation or Amends: Provided that nothing herein contained shall be taken to affect the Provisions of a certain Act of Parliament passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law respecting defamatory Words "and Libel."

Payment into Court in Actions on Money Bonds, and for Detainer. 23 & 24 Vict. c. 126. s. 25.

92. In any Action brought upon a Bond which has a Condition or Defeazance to make void the same upon Payment of a lesser Sum at a Day or Place certain, with a Penalty, and in any Action for detaining the Goods of the Plaintiff, it shall be lawful for the Defendant, by Leave of the Court or a Judge, and upon such Terms as they or he shall think fit, to pay into Court a Sum of Money to answer the Claim of the Plaintiff in respect of such Bond in the former Case, and in the latter Case to the Value of the Goods alleged to be detained.

Payment into Court how pleaded. 15 & 16 Vict. c. 76. s. 71.

93. When Money is paid into Court such Payment shall be pleaded in all Cases as near may be in the following Form, mutatis mutandis:

"The Defendant by his Attorney [*or* in
"Person, *&c.*] [*if pleaded to Part, say,* as to £

" Parcel of the Money claimed], brings into Court the Sum of
" £ and says that the said Sum is enough to
" satisfy the Claim of the Plaintiff in respect of the Matter
" herein pleaded to."

Payment of Money into Court.
16 & 17 Vict. c. 113. ss. 75, 76.

94. No Order of the Court or a Judge to pay Money into Court shall be necessary, except in the Cases herein-before specially provided, but such Payment shall be made by lodging the Money in the Bank of Ireland on behalf of the Defendant, who shall make such Lodgment with the Privity of the Master of the Court, and to the Credit of the Cause; and such Master, on the Certificate of such Lodgment being delivered to him, shall give a Receipt for the Amount in the Margin of the Plea; and the Master shall, on Demand by the Plaintiff, draw upon the Bank of Ireland in favour of the Plaintiff or his Attorney, upon a written Authority from the Plaintiff, for the Sum so lodged by the Defendant.

Proceeding by Plaintiff after Payment into Court.
15 & 16 Vict. c. 76. s. 73.

95. The Plaintiff, after the Delivery of a Plea of Payment of Money into Court, shall be at liberty to reply to the same by accepting the Sum so paid into Court in full Satisfaction and Discharge of the Cause of Action in respect of which it has been paid in, and he shall be at liberty in that Case to tax his Costs of Suit, and, in case of Nonpayment thereof within Forty-eight Hours, to sign Judgment for his Costs of Suit so taxed; or the Plaintiff may reply that the Sum paid into Court is not enough to satisfy the Claim of the Plaintiff in respect of the Matter to which the Plea is pleaded; and in the event of an Issue thereon being found for the Defendant, the Defendant shall be entitled to Judgment and his Costs of Suit.

Pleas to Actions partaking both of Breach of Contract and Wrong.
15 & 16 Vict. c. 76. s. 74.

96. Whereas certain Causes of Action may be considered to partake of the Character both of Breaches of Contract and of Wrongs, and Doubts may arise as to the Form of Pleas in such Actions, and it is expedient to preclude such Doubts: Any Plea which shall be good in Substance shall not be objectionable on the Ground of its treating the Declaration either as framed for a Breach of Contract or for a Wrong.

Payment, Set-off, and other Pleadings which can be construed distributively shall be so construed.
15 & 16 Vict. c. 76. s. 75.

97. Pleas of Payment and Set-Off, and all other Pleadings capable of being construed distributively, shall be taken distributively, and if Issue is taken thereon, and so much thereof as shall be sufficient Answer to Part of the Causes of Action proved shall be found true by the Jury, a Verdict shall pass for the Defendant in respect of so much of the Causes of Action as shall be answered, and for the Plaintiff in respect of so much of the Causes of Action as shall not be so answered.

Traverse of the Declaration.
15 & 16 Vict. c. 76. s. 76.

98. A Defendant may either traverse generally such of the Facts contained in the Declaration as might have been denied by One Plea, or may select and traverse separately any material Allegation in the Declaration, although it might have been included in a general Traverse.

Traverse of Plea or subsequent Pleading of Defendant.
15 & 16 Vict. c. 76. s. 77.

99. A Plaintiff shall be at liberty to traverse the whole of any Plea or subsequent Pleading of the Defendant by a general Denial, or, admitting some Part or Parts thereof, to deny all the rest, or to deny any One or more Allegations.

Traverse of Replication orsubsequent Pleading of the Plaintiff.
15 & 16 Vict. c. 76. s. 78.

100. A Defendant shall be at liberty in like Manner to deny the whole or Part of a Replication or subsequent Pleading of the Plaintiff.

Equitable Defence may be pleaded.
17 & 18 Vict. c. 125. s. 83.

101. It shall be lawful for the Defendant in any personal Action, and for the Plaintiff in any Action of Replevin in any of the said Superior Courts, in which if Judgment were obtained he would be entitled to Relief against such Judgment on equitable Grounds, to plead the Facts which entitle him to such Relief by way of Defence, and the said Courts are hereby empowered to receive such Defence by way of Plea, provided that such Plea shall begin with the Words "For Defence on equitable Grounds," or Words to the like Effect.

Equitable Defence after Judgment.
17 & 18 Vict. c. 125. s. 84.

102. Any such Matter which, if it arose before or during the Time for pleading, would be an Answer to the Action by way of Plea, may, if it arise after the Lapse of the Period during which it could be pleaded, be set up by way of Audita querela.

Equitable Replication.
17 & 18 Vict. c. 125. s. 85.

103. The Plaintiff may reply, in answer to any Plea of the Defendant, Facts which avoid such Plea upon equitable Grounds, provided that such Replication shall begin with the Words "For Replication on equitable Grounds," or Words to the like Effect.

Court or Judge may strike out equitable Plea or Replication.
17 & 18 Vict. c. 125. s. 86.

104. Provided always, That in case it shall appear to the Court or a Judge that any such equitable Plea or equitable Replication cannot be dealt with by a Court of Law so as to do Justice between the Parties, it shall be lawful for such Court or Judge to order the same to be struck out, on such Terms as to Costs and otherwise, as to such Court or Judge may seem reasonable.

Actions on lost Instruments. 17 & 18 Vict. c. 125. s. 87.

105. In case of any Action founded on a Bill of Exchange or other negotiable Instrument, it shall be lawful for the Court or a Judge to order that the Loss of such Instrument shall not be set up, provided an Indemnity is given to the Satisfaction of the Court, Judge, or Master against the Claims of any other Person upon such negotiable Instrument.

Joinder of Issue. 15 & 16 Vict. c. 76. s. 79.

106. Either Party may plead, in answer to the Plea or subsequent Pleading of his Adversary, that he joins Issue thereon, which Joinder of Issue may be as follows, or to the like Effect:

"The Plaintiff joins Issue upon the Defendant's First [*&c. specifying what or what Part*] Plea:"

"The Defendant joins Issue upon the Plaintiff's Replication to the First [*&c. specifying what*] Plea:"

And such Form of Joinder of Issue shall be deemed to be a Denial of the Substance of the Plea or other subsequent Pleading, and an Issue thereon; and in all Cases where the Plaintiff's Pleading is in denial of the Pleading of the Defendant, or some Part of it, the Plaintiff may add a Joinder of Issue for the Defendant.

As to pleading and demurring together. 15 & 16 Vict. c. 76. s. 80.

107. Either Party may, by Leave of the Court or a Judge, plead and demur to the same Pleading at the same Time, upon an Affidavit by such Party or his Attorney, if required by the Court or Judge, to the Effect that he is advised and believes that he has just Ground to traverse the several Matters proposed to be traversed by him, and that the several Matters sought to be pleaded as aforesaid by way of Confession and Avoidance are respectively true in Substance and in Fact, and that he is further advised and believes that the Objections raised by such Demurrer are good and valid Objections in Law, and it shall be in the Discretion of the Court or a Judge to direct which Issue shall be first disposed of.

Several Matters may be pleaded at any Stage of the Pleadings. 15 & 16 Vict. c. 76. s. 81.

108. The Plaintiff in any Action may, by Leave of the Court or a Judge, plead in answer to the Plea or the subsequent Pleading of the Defendant as many several Matters as he shall think necessary to sustain his Action; and the Defendant in any Action may, by Leave of the Court or a Judge, plead in answer to the Declaration or other subsequent Pleading of the Plaintiff as many several Matters as he shall think necessary for his Defence, upon an Affidavit of the Party making such Application, or his Attorney, if required by the Court or Judge, to the Effect that he is advised and believes that he has just Ground to traverse the several Matters proposed to be traversed by him, and that the several Matters sought to be pleaded as aforesaid by way of Confession and Avoidance are respectively true in Substance and in Fact: Provided that the Costs of any Issue either in Fact or Law shall follow the Finding or Judgment upon such Issue, and be adjudged to the successful Party, whatever may be the Result of the other Issue or Issues.

Objections to Pleadings to be heard on Application to plead several Matters.
15 & 16 Vict. c. 76. s. 83.

109. All Objections to the Pleading of several Pleas, Replications, or subsequent Pleadings, or several Avowries or Cognizances, on the Ground that they are founded on the same Ground of Answer or Defence, shall be heard upon the Application to plead several Matters.

Certain Pleas may be pleaded together without Leave.
15 & 16 Vict. c. 76. s. 84.

110. The following Pleas, or any Two or more of them, may be pleaded together as of course, without Leave of the Court or a Judge; that is to say, a Plea denying any Contract or Debt alleged in the Declaration; a Plea of Tender as to Part; a Plea of the Statute of Limitations, Set-off, Bankruptcy of the Defendant, Discharge under an Insolvent Act, Plene administravit, Plene administravit præter, Infancy, Coverture, Payment, Accord and Satisfaction, Release, Not Guilty, a Denial that the Property an Injury to which is complained of is the Plaintiff's, Leave and Licence, Son assault demesne, and any other Pleas which the Judges of the said Superior Courts, or any Seven or more of them, of whom the Chief Judges of the said Courts shall be Three, shall by any Rule or Order to be from Time to Time by them made in Term or Vacation order or direct.

For pleading several Matters without Leave, Judgment may be signed.
15 & 16 Vict. c. 76. s. 86.

111. Except in the Cases herein specifically provided for, if either Party plead several Pleas, Replications, Avowries, Cognizances, or other Pleadings without Leave of the Court or a Judge, the opposite Party shall be at liberty to sign Judgment: Provided that such Judgment may be set aside by the Court or a Judge upon an Affidavit of Merits, and upon such Terms as to Costs and otherwise as they or he may think fit.

One new Assignment only allowed in respect of the same Cause of Action.
15 & 16 Vict. c. 76. s. 87.

112. One new Assignment only shall be pleaded to any Number of Pleas to the same Cause of Action; and such new Assignment shall be consistent with and confined by the Particulars delivered in the Action, if any, and shall state that the Plaintiff proceeds for Causes of Action different from all those which the Pleas profess to justify, or for an Excess over and above what all the Defences set up in such Pleas justify, or both.

Pleas not to be repeated.
15 & 16 Vict. c. 76. s. 88.

113. No Plea which has already been pleaded to the Declaration shall be pleaded to such new Assignment, except a Plea in Denial unless by Leave of the Court or a Judge, and such Leave shall only be granted upon satisfactory Proof that the Repetition of such Plea is essential to a Trial on the Merits.

Form of Demurrer and Joinder in Demurrer.
15 & 16 Vict. c. 76. s. 89.

114. The Form of a Demurrer shall be as follows, or to the like Effect:

> "The Defendant, by his Attorney, [*or* in Person, *&c.*, *or* Plaintiff,] "says, that the Declaration [*or* Plea, *&c.*] is bad in Substance."

And in the Margin thereof some substantial Matter of Law intended to be argued shall be stated, and if any Demurrer shall be delivered without such Statement, or with a frivolous Statement, it may be set aside by the Court or Judge, and Leave may be given to sign Judgment as for Want of a Plea; and the Form of a Joinder in Demurrer shall be as follows, or to the like Effect:

> "The Plaintiff [*or* Defendant] says that the Declaration [*or* Plea, *&c.*] is good in Substance."

Time for Pleading after Amendment.
15 & 16 Vict. c. 76. s. 90.

115. Where an Amendment of any Pleading is allowed, no new Notice to plead thereto shall be necessary, but the opposite Party shall be bound to plead to the amended Pleading within the Time specified in the original Notice to plead, or within Two Days after Amendment, whichever shall last expire, unless otherwise ordered by the Court or Judge; and in case the amended Pleading has been pleaded to before Amendment, and is not pleaded to de novo within Two Days after Amendment, or within such other Time as the Court or a Judge shall allow, the Pleadings originally pleaded thereto shall stand and be considered as pleaded in answer to such amended Pleading.

Pleadings subsequent to the Declaration not to be filed.

116. No Demurrer, nor any Pleading subsequent to the Declaration, shall in any Case, except by special Order of the Court, be filed with any Officer of the Court, but the same shall, unless otherwise provided by General Orders, be delivered between the Parties: Provided always, that before delivering any Demurrer or other such Pleading as aforesaid, the Attorney or Person delivering the same shall bring or cause the same to be brought to the Office of the Clerk of the Writs, impressed with the Stamp now or hereafter by Law required to be impressed upon such Demurrer or other such Pleading as aforesaid, and thereupon the Clerk of the Writs shall impress such Demurrer or other Pleading with the Seal of the said Superior Courts of Common Law; and no Delivery of any Demurrer or other such Pleading shall be of any Effect unless so stamped and sealed as aforesaid.

Examples of Pleading.

And whereas it is desirable that Examples should be given of the Statements of Causes of Action and of Forms of Pleading: Be it enacted as follows:

Forms in Schedule may be adopted.
15 & 16 Vict. c. 76. s. 91.

117. The Forms contained in the Schedule (B.) to this Act annexed shall be sufficient, and those and the like Forms may be used, with such Modifications as may be necessary to meet the Facts of the Case, but nothing herein contained shall render it erroneous or irregular to depart from the Letter of such Forms so long as the Substance is expressed without Prolixity.

Judgment by Default and ascertaining Amount to be recovered.

And with respect to Judgment by Default, and the Mode of ascertaining the Amount to be recovered thereupon, be it enacted as follows:

Rule to compute unnecessary.
15 & 16 Vict. c. 76. ss. 92, 93.

118. No Rule to compute shall be necessary or used, but in Actions where the Plaintiff seeks to recover a Debt or liquidated Demand in Money Judgment by Default shall be final.

Inquiry of Damages may be directed to take place before the Master.
16 & 17 Vict. c. 113. s. 98.

119. In Actions in which it shall appear to the Court or a Judge that the Amount of Damages sought to be recovered by the Plaintiff is substantially a Matter of Calculation, it shall not be necessary to issue a Writ of Inquiry, but the Court or a Judge may direct that the Amount for which final Judgment is to be signed shall be ascertained by the Master of the said Court; and the Attendance of Witnesses and the Production of Documents before such Master may be compelled by Subpœna, in the same Manner as before a Jury upon a Writ of Inquiry, and it shall be lawful for such Master to adjourn the Inquiry from Time to Time as Occasion may require: Provided always, that in case the said Master shall upon any such Reference think it proper to hear any Fact controverted on the Reference tried by a Jury, in such Case the said Master may sign a Requisition to that Effect intituled in the Cause, and direct the same to be delivered to the Sheriff of the County of the City of Dublin Two Days before the Time when such Jury shall be required, and the Jurors shall be summoned and taken from the List of Persons liable to serve as Jurors in the County of the City of Dublin, and the Sheriff shall cause so many of the said Jurors as in his Opinion he shall deem sufficient to be summoned, and such Persons shall attend, and either Party shall be entitled to his lawful Challenge against all or any of the said Jurors; and a Jury of Twelve shall be returned to try such Fact or Facts as shall seem doubtful to such Master, who shall proceed to make his Report on the Verdict of such Jury as he shall think fit; and such Jury shall be sworn and paid as a Common Jury at Nisi Prius, and the Master shall endorse upon the Rule or Order for referring the Amount of Damages to him the Amount found by him, and shall deliver the Rule or Order with such Endorsement to the Plaintiff, and such and the like Proceedings may thereupon be had as to Taxation of Costs, signing Judgment, and otherwise, as upon the Finding of a Jury upon a Writ of Inquiry.

Ordinary Writ of Inquiry in other Cases. 16 & 17 Vict. c. 76. s. 100.

120. In Actions in which the Plaintiff's Demand is not for a Debt or liquidated Sum in Money, and where the Amount of Damages sought to be recovered cannot be calculated as aforesaid, it shall be lawful for the Plaintiff to issue a Writ of Inquiry to the Sheriff of the proper County, or other Person thereunto lawfully authorized, and such Inquiry shall be holden at the chief Town in the County, or such other Place and at such Time as shall be agreed on between the Sheriff and the Party delivering the Writ to him; and the said Writ of Inquiry may be made returnable and be returned on any Day certain in Term or in Vacation to be named in such Writ, and upon the Return thereof, and without any Rule for Judgment thereon, the Costs may be taxed, and Judgment signed and Execution issued forthwith, unless the Sheriff or other Officer before whom such Writ shall be executed, shall certify under his Hand upon such Writ that Judgment ought not to be signed until the Defendant or Plaintiff shall have had an Opportunity to apply to the Court or a Judge to set aside the Execution of such Writ of Inquiry, or unless the Court or Judge shall think fit to order the Judgment to be stayed until a Day to be named in such Order: Provided that where a Writ of Inquiry shall have been executed before a Judge the Proceedings from the finding to issuing Execution shall be the same as in the Case of ordinary Trials at Nisi Prius.

Inquiries may be directed to take place before Master of the Court. 16 & 17 Vict. c. 113. s. 101. 19 & 20 Vict. c. 102. s. 99.

121. It shall be lawful for the Court or a Judge, instead of a Writ of Inquiry to the Sheriff to ascertain the Amount of Damages, to direct that the Amount for which final Judgment shall be marked shall be ascertained by the Master of the Court, and thereupon such Damages shall be ascertained by the Master in like Manner as such Damages are ascertained under a Writ of Inquiry by the Sheriff; and for such Purpose it shall be the Duty of the Sheriff of the County of the City of Dublin to summon Jurors to attend before the said Masters, who shall have the like Jurisdiction and Authority as have been heretofore exercised by Sheriffs in holding such Inquiries: Provided always, that whenever there is any such Trial by Jury Twelve Jurymen shall be empannelled and sworn to give their Verdict according to the Evidence, and the Verdict of the said Jurymen shall, if unanimous, be sufficient; and it shall be lawful for the Master to adjourn such Inquiry from Time to Time as Occasion may require; and the Master shall indorse on the Rule or Order of Reference the Finding of the said Jury, and shall deliver the same to the Plaintiff, and such and the like Proceedings may thereupon be had as to Taxation of Costs, signing Judgment, and otherwise, as upon a Finding of a Jury upon a Writ of Inquiry to the Sheriff: Provided always, that in all Cases of Writs of Inquiry it shall be lawful for the Court or a Judge to order that they shall be

Inquiries may be directed to

be executed before a Judge sitting at Nisi Prius for the Trial of Causes, either in the consolidated Nisi Prius Court, or at the After Sittings or Assizes, as such Court or Judge shall in their or his Discretion direct, and for that Purpose to enter a Suggestion upon the Record whenever the Trial is ordered to take place in a County other than that in which the Venue is laid.

take place before a Judge.

And with reference to Discovery, be it enacted as follows:

Discovery.

122. Upon Motions founded upon Affidavits, it shall be lawful for either Party, with Leave of the Court or a Judge, to make Affidavits in answer to the Affidavits of the opposite Party, upon any new Matter arising out of such Affidavits, subject to all such General Orders as shall hereafter be made respecting such Affidavits.

Affidavits on new Matter.
17 & 18 Vict. c. 125. s. 45.

123. Upon the Hearing of any Motion it shall be lawful for the Court or Judge, at their or his Discretion, and upon such Terms as they or he shall think reasonable, from Time to Time to order such Documents as they or he may think fit to be produced, and such Witnesses as they or he may think necessary to appear, and be examined vivâ voce either before such Court or Judge or before the Master, and upon hearing such Evidence, or reading the Report of such Master, to make such Rule or Order as may be just.

Power to Court or Judge to direct oral Examination of Witnesses.
17 & 18 Vict. c. 125. s. 46.

124. The Court or Judge may, by such Rule or Order or any subsequent Rule or Order, command the Attendance of the Witnesses named therein for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Rule or Order; and such Rule or Order shall be proceeded upon in the same Manner, and shall have the same Force and Effect as a Rule of the Court under an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, intituled "An Act for "abolishing Arrest on Mesne Process in Civil Actions except in "certain Cases for extending the Remedies of Creditors against the "Property of Debtors; and for the further Amendment of the Law, "and the better Advancement of Justice in Ireland;" and it shall be lawful for the Court, or Judge, or Master to adjourn the Examination from Time to Time as Occasion may require; and the Proceedings upon such Examination shall be conducted and the Depositions taken down as nearly as may be in the Mode now in use with respect to the vivâ voce Examinations of Witnesses under the last-mentioned Act.

Proceedings before and upon such Examination
17 & 18 Vict. c. 125. s. 47.

3 & 4 Vict. c. 105.

125. Any Party to any Civil Action or other Civil Proceeding in any of the Superior Courts requiring the Affidavit of a Person who

Examination of Person who refuses

to make an Affidavit.
17 & 18 Vict. c. 125. s. 48.

refuses to make an Affidavit, may apply for an Order requiring such Person to appear and be examined upon Oath before a Judge or Master, to whom it may be most convenient to refer such Examination, as to the Matters concerning which he has refused to make an Affidavit; and the Court or a Judge may, if they or he think fit, make such Order for the Attendance of such Person before the Person therein appointed to take such Examination, for the Purpose of being examined as aforesaid, and for the Production of any Writings or Documents to be mentioned in such Order, and may therein impose such Terms as to such Examination, and the Costs of the Application and Proceedings thereon, as they or he shall think just.

Proceedings upon Order for Examination.
17 & 18 Vict. c. 125. s. 49.

126. Such Order shall be proceeded upon in like Manner as an Order made under the herein-before mentioned Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, and the Examination thereon shall be conducted, and the Depositions taken down and returned, as nearly as may be in the Mode now used on vivâ voce Examinations under the said Act of Parliament.

Discovery of Documents.
17 & 18 Vict. c. 125. s. 50.

127. Upon the Application of either Party to any Cause or other Civil Proceeding in any of the Superior Courts, upon an Affidavit by such Party, or his Attorney or Agent, or in the Case of a Body Corporate of their Attorney or Agent, of his Belief that any Document to the Production of which he is entitled for the Purpose of Discovery or otherwise, is in the Possession or Power of the opposite Party, it shall be lawful for the Court or Judge to order that the Party against whom such Application is made, or if such Party is a Body Corporate that some Officer to be named of such Body Corporate, shall answer on Affidavit stating what Documents he or they has or have in his or their Possession or Power relating to the Matters in Dispute, or what he knows as to the Custody they or any of them are in, and whether he or they objects or object (and if so, on what Grounds,) to the Production of such as are in his or their Possession or Power; and upon such Affidavit being made the Court or Judge may make such further Order thereon as shall be just.

Power to deliver written Interrogatories to opposite Party.
17 & 18 Vict. c. 125. s. 51.

128. In all Causes in any of the Superior Courts, by Order of the Court or a Judge, the Plaintiff may, with the Declaration, and the Defendant may, with the Plea, or either of them, by Leave of the Court or a Judge, may at any other Time, deliver to the opposite Party or his Attorney (provided such Party, if not a Body Corporate, would be liable to be called and examined as a Witness upon such Matter) Interrogatories in Writing upon any Matter as to which Discovery may be sought, and require such Party, or in the Case of a Body Corporate any of the Officers of such Body Corporate, within Ten Days, to answer the Questions in Writing by Affidavit to be sworn and filed in the ordinary Way; and any Party or Officer omitting, without just Cause, sufficiently to answer all Questions as to which a Discovery may be sought within the above Time, or such extended Time as the Court or a Judge shall allow, shall be deemed to have committed a Contempt of the Court, and shall be liable to be proceeded against accordingly.

Affidavits by Party proposing to interrogate or his Attorney. 17 & 18 Vict. c. 125. s. 52.

129. The Application for such Order shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or, in the Case of a Body Corporate of their Attorney or Agent, stating that the Deponents or Deponent believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material Benefit in the Cause from the Discovery which he seeks, that there is good Cause of Action or Defence upon the Merits, and, if the Application be made on the Part of the Defendant, that the Discovery is not sought for the Purpose of Delay: Provided, that where it shall happen from unavoidable Circumstances that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may, if they or he think fit, upon an Affidavit of such Circumstances, allow and order that the Interrogatories may be delivered without such Affidavit.

Oral Examination of Parties, when to be allowed. 17 & 18 Vict. c. 125. s. 53.

130. In case of Omission, without just Cause, to answer sufficiently such written Interrogatories, it shall be lawful for the Court or a Judge, at their or his Discretion, to direct an oral Examination of the interrogated Party, as to such Points as they or he may direct, before a Judge or Master; and the Court or Judge may, by such Rule or Order, or any subsequent Rule or Order, command the Attendance of such Party or Parties before the Person appointed to take such Examination, for the Purpose of being orally examined as aforesaid, or the Production of any Writings or other Documents to be mentioned in such Rule or Order, and may impose therein such Terms as to such Examination, and the Costs of the Application and of the Proceedings thereon, and otherwise, as to such Court or Judge shall seem just.

Proceedings upon such Rule or Order. 17 & 18 Vict. c. 125. s. 54.

131. Such Rule or Order shall have the same Force and Effect and may be proceeded upon in like Manner as an Order made under the said herein-before mentioned Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty.

Depositions upon such Examinations to be returned to Master's Office.
17 & 18 Vict. c. 125. s. 55.
3 & 4 Vict. c. 105.

132. Whenever by virtue of this Act an Examination of any Witness or Witnesses has been taken before a Judge of One of the said Superior Courts, or before a Master, the Depositions shall be returned to and kept in the Master's Office of the Court in which the Proceedings are pending; and Office Copies of such Depositions may be given out, and the Depositions may be otherwise used in the same Manner as in the Case of Depositions taken under the herein-before mentioned Act passed in the Third and Fourth Years of the Reign of Her present Majesty.

Examiner may make Report to the Court.
17 & 18 Vict. c. 125. s. 56.

133. It shall be lawful for every Judge or Master named in any such Rule or Order as aforesaid for taking Examinations under this Act, and he is hereby required to make, if need be, a special Report to the Court in which such Proceedings are pending, touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of the Court.

Costs of Rule and Examination to be in the Discretion of the Court.
17 & 18 Vict. c. 125. s. 57.

134. The Costs of every Application for any Rule or Order to be made for the Examination of Witnesses by virtue of this Act, and of the Rule or Order and Proceedings thereon, shall be in the Discretion of the Court or Judge by whom such Rule or Order is made.

Mandamus and Injunction.

And with respect to Mandamus and Injunction, be it enacted as follows:

Action for Mandamus to enforce the Performance of Duties.
17 & 18 Vict. c. 125. s. 68.

135. The Plaintiff in any Action in any of the Superior Courts, except Replevin and Ejectment, may endorse upon the Writ and Copy to be served a Notice that the Plaintiff intends to claim a Writ of Mandamus; and the Plaintiff may thereupon claim in the Declaration, either together with any other Demand which may now be enforced in such Action or separately, a Writ of Mandamus commanding the Defendant to fulfil any Duty in the Fulfilment of which the Plaintiff is personally interested.

Declaration in Action for Mandamus.
17 & 18 Vict. c. 125. s. 69.

136. The Declaration in such Action shall set forth sufficient Grounds upon which such Claim is founded, and shall set forth that the Plaintiff is personally interested therein, and that he sustains or may sustain Damage by the Nonperformance of such Duty, and that Performance thereof has been demanded by him and refused or neglected.

137. The Pleadings and other Proceedings in any Action in which a Writ of Mandamus is claimed shall be the same in all respects, as nearly as may be, and Costs shall be recoverable by either Party as in an ordinary Action for the Recovery of Damages.

Proceedings upon Claim for Mandamus.
17 & 18 Vict. c. 125. s. 70.

138. In case Judgment shall be given for the Plaintiff that a Mandamus do issue, it shall be lawful for the Court in which such Judgment is given, if it shall think fit, besides issuing Execution in the ordinary Way for the Costs and Damages, also to issue a peremptory Writ of Mandamus to the Defendant, commanding him forthwith to perform the Duty to be enforced.

Judgment and Execution.
17 & 18 Vict. c. 125. s. 71.

139. The Writ need not recite the Declaration or other Proceedings, or the Matter therein stated, but shall simply command the Performance of the Duty, and in other respects shall be in the Form of an ordinary Writ of Execution, except that it shall be directed to the Party and not to the Sheriff, and may be issued in Term or Vacation, and returnable forthwith; and no Return thereto, except that of Compliance, shall be allowed, but Time to return it may, upon sufficient Grounds, be allowed by the Court or a Judge, either with or without Terms.

Form of Peremptory Writ.
17 & 18 Vict. c. 125. s. 72.

140. The Writ of Mandamus so issued as aforesaid shall have the same Force and Effect as a peremptory Writ of Mandamus issued out of the Court of Queen's Bench, and in case of Disobedience may be enforced by Attachment.

Effect of Writ of Mandamus and Proceedings to enforce it.
17 & 18 Vict. c. 125. s. 73.

141. The Court may, upon Application by the Plaintiff, besides or instead of proceeding against the disobedient Party by Attachment, direct that the Act required to be done may be done by the Plaintiff, or some other Person appointed by the Court, at the Expense of the Defendant; and upon the Act being done, the Amount of such Expense may be ascertained by the Court, either by Writ of Inquiry or Reference to a Master, as the Court or a Judge may order; and the Court may order Payment of the Amount of such Expenses and Costs, and enforce Payment thereof by Execution.

The Court may order the Act to be done at the Expense of the Defendant.
17 & 18 Vict. c. 125. s. 74.

142. Nothing herein contained shall take away the Jurisdiction of the Court of Queen's Bench to grant Writs of Mandamus; nor shall any Writ of Mandamus issued out of that Court be invalid by reason of the Right of the Prosecutor to proceed by Action for Mandamus under this Act.

Prerogative Writ of Mandamus preserved.
17 & 18 Vict. c. 125. s. 75.

Proceedings for Prerogative Writ of Mandamus.
17 & 18 Vict. c. 125. s. 76.

143. Upon Application by Motion for any Writ of Mandamus in the Court of Queen's Bench, the Rule may in all Cases be absolute in the first instance if the Court shall think fit; and the Writ may bear Teste on the Day of its issuing, and may be made returnable forthwith, whether in Term or in Vacation, but Time may be allowed to return it by the Court or a Judge either with or without Terms.

Proceedings on Prerogative Writ of Mandamus.
17 & 18 Vict. c. 125. s. 77.

144. The Provisions of this Act, so far as they are applicable, shall apply to the Pleadings and Proceedings upon a Prerogative Writ of Mandamus issued by the Court of Queen's Bench.

Specific Delivery of Chattels.
17 & 18 Vict. c. 125. s. 78.

145. The Court or a Judge shall have Power, if they or he think fit so to do, upon the Application of the Plaintiff in any Action for the Detention of any Chattel, to order that Execution shall issue for the Return of the Chattel detained, without giving the Defendant the Option of retaining such Chattel upon paying the Value assessed, and that if the said Chattel cannot be found, and unless the Court or a Judge should otherwise order, the Sheriff shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, till the Defendant render such Chattel, or, at the Option of the Plaintiff, that he cause to be made of the Defendant's Goods the assessed Value of such Chattel; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action.

Claim of Writ of Injunction.
17 & 18 Vict. c. 125. s. 79.

146. In all Cases of Breach of Contract or other Injury, where the Party injured is entitled to maintain and has brought an Action, he may, in like Case and Manner as herein-before provided, with respect to Mandamus, claim a Writ of Injunction against the Repetition or Continuance of such Breach of Contract or other Injury, or the Committal of any Breach of Contract or Injury of a like Kind, arising out of the same Contract or relating to the same Property or Right; and he may also in the same Action include a Claim for Damages or other Redress.

Form of Writ of Summons and Endorsement thereon.
17 & 18 Vict. c. 125. s. 80.

147. The Writ of Summons in such Action shall be in the same Form as the Writ of Summons in any personal Action, but on every such Writ and Copy thereof there shall be endorsed a Notice that in default of Appearance the Plaintiff may, besides proceeding to Judgment and Execution for Damages and Costs, apply for and obtain a Writ of Injunction.

Form of Proceedings

148. The Proceedings in such Action shall be the same as nearly as may be, and subject to the like Control, as the Proceedings in an Action to obtain a Mandamus under the Provisions herein-before contained; and in such Action Judgment may be given that the Writ of Injunction do or do not issue, as Justice may require; and in case of Disobedience, such Writ of Injunction may be enforced by Attachment by the Court or by a Judge.

and of Judgment.
17 & 18 Vict. c. 125. s. 81.

149. It shall be lawful for the Plaintiff at any Time after the Commencement of the Action, and whether before or after Judgment, to apply ex parte to the Court or a Judge for a Writ of Injunction to restrain the Defendant in such Action from the Repetition or Continuance of the wrongful Act or Breach of Contract complained of, or the Committal of any Breach of Contract or Injury of a like Kind arising out of the same Contract, or relating to the same Property or Right; and such Writ may be granted or denied by the Court or Judge upon such Terms as to the Duration of the Writ, keeping an Account, giving Security, or otherwise, as to such Court or Judge shall seem reasonable and just; and in case of Disobedience such Writ may be enforced by Attachment by the Court or by a Judge: Provided always, that any Order for a Writ of Injunction made by a Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto by any Party dissatisfied with such Order.

Writ of Injunction may be applied for at any Stage of the Cause.
17 & 18 Vict. c. 125. s. 82.

150. In all Cases in which a Writ of Mandamus or of Injunction is issued under the Provisions of this Act, such Writ shall, unless otherwise ordered by the Court or Judge, in addition to the Matter directed to be inserted therein, command the Defendant to pay to the Plaintiff the Costs of preparing, issuing, and serving such Writ; and Payment of such Costs may be enforced in the same Manner as Costs payable under a Rule of Court are now by Law enforceable.

Costs of Writs of Mandamus and Injunction may be included in Writs.
23 & 24 Vict. c. 126. s. 32.

Notice of Trial, Inquiry, and Countermand.

And with respect to Notice of Trial and Inquiry and Countermand, be it enacted as follows:

151. Ten Days Notice of Trial or Inquiry shall be given, and shall be sufficient in all Cases, whether at Bar or Nisi Prius, in Town or Country, unless otherwise ordered by the Court or a Judge.

Time for Notice of Trial and Inquiry.
15 & 16 Vict. c. 76. s. 97.

152. A Countermand of Notice of Trial shall be given Four clear Days before the Time mentioned in the Notice of Trial, unless short Notice of Trial has been given, and then Two clear Days before the Time mentioned in the Notice of Trial, unless otherwise ordered by the Court or Judge, or by Consent.

Notice of Countermand.
15 & 16 Vict. c. 70. s. 98.

Costs of the Day. 15 & 16 Vict. c. 76. s. 99.

153. A Rule for Costs of the Day for not proceeding to Trial pursuant to Notice, or not countermanding in sufficient Time, may be drawn up on Affidavit without Motion.

Proceeding where Plaintiff neglects to bring on the Cause to be tried. 15 & 16 Vict. c. 76. s. 101.

154. Where any Issue is or shall be joined in any Cause, and the Plaintiff has neglected or shall neglect to bring such Issue on to be tried, that is to say, in Town Causes where Issue has been or shall be joined in or in the Vacation before any Term, for instance, Hilary Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried during or before the following Term and Vacation, for instance, Easter Term and Vacation, and in Country Causes where Issue has been or shall be joined in or in the Vacation before Hilary or Trinity Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the Second Assizes following such Term, or if Issue has been or shall be joined in or in the Vacation before Easter or Michaelmas Term, then, if the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the First Assizes after such Term, whether the Plaintiff shall in the meantime have given Notice of Trial or not, the Defendant may give Twenty Days Notice to the Plaintiff to bring the Issue on to be tried at the Sittings or Assizes, as the Case may be, next after the Expiration of the Notice; and if the Plaintiff afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, the Defendant may suggest on the Record that the Plaintiff has failed to proceed to Trial, although duly required so to do (which Suggestion shall not be traversable, but only be subject to be set aside if untrue), and may sign Judgment for his Costs: Provided, that the Court or a Judge shall have Power to extend the Time for proceeding to Trial with or without Terms.

Nisi Prius Record.

And with respect to the Nisi Prius Record, be it enacted as follows:

Nisi Prius Record not to be sealed or passed. 15 & 16 Vict. c. 76. s. 102.

155. The Record of Nisi Prius shall not be sealed or passed, but may be delivered to the proper Officer of the Court in which the Cause is to be tried, to be by him entered and remain until disposed of.

Juries and Jury Process.

And with respect to Juries and Jury Process, be it enacted as follows:

Precept by Judges of Assize to summon Jurors for Civil as well as Criminal Trials. 15 & 16 Vict. c. 76. ss. 104, 105.

156. No Jury Process shall be necessary or used in any Action, but the Precept issued by the Judges of Assize to the Sheriff to summon Jurors for the Assizes shall direct that the Jurors be summoned for the Trial of all Issues, whether Civil or Criminal, which may come on for Trial at the Assizes, and the Jurors shall thereupon be summoned in like Manner as at present.

157. A printed Panel of the Jurors summoned shall, Seven Days before the Commission Day, be made by the Sheriff, and kept in the Office of the Returning Officer for Inspection; and a printed Copy of such Panel shall be delivered by the Sheriff to any Party requiring the same, on Payment of One Shilling, and such Copy shall be annexed to the Nisi Prius Record.

A printed Panel to be prepared and annexed to the Record. 15 & 16 Vict. c. 76. s. 106.

158. The Sheriffs of the County and County of the City of Dublin respectively shall, pursuant to a Precept under the Hand of a Judge of any of the said Superior Courts, and without any other Authority, summon a sufficient Number of Common Jurors for the Trial of all Issues in the Superior Courts of Common Law and the consolidated Nisi Prius Court, in like Manner as before this Act; and Seven Days before the First Day of each Sittings, a printed Panel of the Jurors so summoned for the Trial of Causes at such Sittings shall be made by such Sheriffs, and kept in their Offices for public Inspection; and a printed Copy of such Panel shall be delivered by the said Sheriffs to any Party requiring the same, on Payment of One Shilling, and such Copy shall be annexed to the Nisi Prius Record, and the said Precept shall and may be in like Form as the Precept issued by the Judges of Assize, and One thereof shall suffice for each Term and After Sittings, and for all the Superior Courts and the consolidated Nisi Prius Court, and it shall be the Duty of the Sheriffs respectively to apply for and procure such Precept to be issued in sufficient Time before each Term to enable them to summon the Jurors in manner aforesaid; and it shall be lawful for the several Courts, or any Judge thereof, at any Time to issue such Precept or Precepts to summon Jurors for disposing of the Business pending in such Courts and in the consolidated Nisi Prius Court, and to direct the Time and Place for which such Jurors shall be summoned, and all such other Matters as to the Court or Judge shall seem requisite.

Sheriffs of County and County of City of Dublin to summon Common Jurors, and prepare a Panel, to be annexed to the Record. 15 & 16 Vict. c. 76. s. 107.

159. The Precept issued by the Judges of Assize, and by the Judge of any of the said Superior Courts, for Cases in the County and City of Dublin as aforesaid, shall direct the Sheriff to summon a sufficient Number of Special Jurymen, to be mentioned therein, not exceeding in Country Cases Forty-eight in all, to try the Special Jury Causes at the Assizes, or in the several Superior Courts of Common Law at Dublin respectively; and the Persons summoned in pursuance of such Precept shall be the Jury for trying the Special Jury Causes at the Assizes or After Sittings respectively, subject to such Right of Challenge as the Parties are now by Law entitled to, and subject to the like Liability as to the Payment of the Costs of obtaining such Special Jury; and a printed Panel of the Special

Special Jurors to be summoned to try all Special Jury Causes. 15 & 16 Vict. c. 76. s. 108.

Jurors so summoned shall be made, kept, delivered, and annexed to the Nisi Prius Record, in like Time and Manner and upon the same Terms as herein-before provided with reference to the Panel of Common Jurors; and upon the Trial the Special Jury shall be balloted for, and called in the Order in which they shall be drawn from the Box, in the same Manner as Common Jurors: Provided that the Court or a Judge, in such Case as they or he may think fit, may order that a Special Jury be struck according to the Practice existing before the Commencement of the "Common Law Procedure Amendment Act (Ireland), 1853," and such Order shall be a sufficient Warrant for striking such Special Jury, and making a Panel thereof for the Trial of the particular Cause.

Mode of obtaining a Special Jury. 15 & 16 Vict. c. 76. s. 109.

160. The Plaintiff in any Action except Replevin shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the Defendant, at such Time as would be necessary for a Notice of Trial, of his Intention that the Cause shall be so tried; and the Plaintiff in an Action of Replevin, and the Defendant in other Actions, shall be so entitled, on giving the like Notice within the Time limited for obtaining a Rule for a Special Jury by a General Order to be made as herein-after provided: Provided that the Court or a Judge may at any Time order that a Cause shall be tried by a Special Jury upon such Terms as they or he shall think fit.

Remedy for Delay by Notice of Trial by Special Jury. 15 & 16 Vict. c. 76. s. 111.

161. Where the Defendant in any Case, or the Plaintiff in Replevin, gives Notice of his Intention to try the Cause by a Special Jury, the Court or a Judge, if satisfied that such Notice is given for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

Notice to Sheriff of Trial by Special Jury. 15 & 16 Vict. c. 76. s. 112.

162. Where Notice has been given to try by Special Jury, either Party may, Six Days before the First Day of the Sittings or Commission Day of the Assizes, give Notice to the Sheriff that such Cause is to be tried by a Special Jury; and in case no such Notice be given no Special Jury need be summoned or attend, and the Cause may be tried by a Common Jury unless otherwise ordered by the Court or Judge.

If Special Jury not summoned, Cause to be tried by a

163. In all Cases where Notice is not given to the Sheriff that the Cause is to be tried by a Special Jury, and by reason thereof a Special Jury is not summoned or does not attend, the Cause may be tried by a Common Jury, to be taken from the Panel of Common

Jurors, in like Manner as if no Proceedings had been had to try the Cause by a Special Jury.

Common Jury. 15 & 16 Vict. c. 76. s. 113.

164. A Writ or Clause of View shall not be necessary or used, but whether the View is to be had by a Common or Special Jury, it shall be sufficient to obtain a Rule of the Court or a Judge's Order, directing a View to be had, and directing the Sheriff to have Six or more of the Jurors named in the Panel chosen by Consent, or, if the Parties cannot agree, nominated by the proper Officer of the Court at the Place in question, some convenient Time before the Trial; and the Viewers shall have the Place shown to them by Two Persons named in the Order, and to be appointed by the Court or Judge; and the Sheriff, upon Request, shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrar, for the Purpose of their being called as Jurymen upon the Trial.

View to be by Rule. 15 & 16 Vict. c. 76. s. 114.

165. In all Actions in which any Order shall be made for the Purpose of changing the Venue it shall be lawful for the Court or a Judge to provide for a View out of the County in which the Action is to be tried; and for that Purpose to make such Orders, directed to the Sheriffs of the different Counties, as such Court or Judge shall think right.

Court or Judge may provide for View out of the County, or County of City, in which Action is to be tried.

166. Either Party shall be at liberty to apply to the Court or a Judge for a Rule or Order for the Inspection by the Jury, or by himself or by his Witnesses, of any Real or Personal Property the Inspection of which may be material to the proper Determination of the Question in dispute; and it shall be lawful for the Court or a Judge, if they or he think fit, to make such Rule or Order, upon such Terms as to Costs and otherwise as such Court or Judge may direct.

Inspection by Jury of Parties or Witnesses. 17 & 18 Vict. c. 125. s. 58.

167. The several Courts, or any Judge thereof, may make all such Rules or Orders upon the Sheriff or other Person as may be necessary to procure the Attendance of a Special or Common Jury for the Trial of any Cause or Matter depending in such Courts, at such Time and Place and in such Manner as they or he may think fit.

Rule or Order for summoning Jury. 17 & 18 Vict. c. 125. s. 59.

168. The Jurors contained in such Panels as aforesaid shall be the Jurors to try the Causes at the Assizes and Sittings for which they shall be summoned respectively; and all such Proceedings may be had and taken before such Juries in like Manner, and with the like Consequences in all respects, as before any Jury summoned in

Proceedings before Jurors so returned. 15 & 16 Vict. c. 76. s. 115.

in pursuance of any Writ or Writs of Venire facias juratores, Distringas juratores, or Habeas corpora juratorum, before the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, and also in respect of Persons summoned to appear upon such Juries, and in the event of an insufficient Attendance of Persons summoned and competent to act as Jurors.

Defendant's Right to try, upon Default of the Plaintiff, preserved. 15 & 16 Vict. c. 76. s. 116.

169. Nothing herein contained shall affect the Right of a Defendant to take down a Cause for Trial, after Default by the Plaintiff to proceed to Trial, according to the Course and Practice of the Court; and if Records are entered for Trial both by the Plaintiff and the Defendant, the Defendant's Record shall be treated as standing next in Order after the Plaintiff's Record in the List of Causes, and the Trial of the Cause shall take place accordingly.

Two Judges may sit at the same Time for Trial of Causes pending in the same Court. 17 & 18 Vict. c. 125. s. 2.

170. It shall be lawful for any One of the Judges of any of the Superior Courts at Dublin, at the Request of the Lord Chief Justice or Lord Chief Baron, to try the Causes entered for Trial at Nisi Prius in Dublin in any of the Courts, on the same Days on which the said Lord Chief Justice or Lord Chief Baron, or any other Judge of the same Court, shall be sitting to try Causes at Dublin, so that the Trial of Two Causes may be proceeded with at the same Time; and all Jurors, Witnesses, and other Persons, who may have been summoned or required to attend at or for the Trial of any Cause before the said Lord Chief Justice or Lord Chief Baron, as the Case may be, shall give their Attendance at and for the Trial thereof before such other Judge as may be sitting to try the same by virtue of this Act; and it shall be lawful for the Registrars and other Officers of the Lord Chief Justice or Lord Chief Baron, as the Case may be, to appoint from Time to Time fit and proper Persons, to be approved by the said Lord Chief Justice or Lord Chief Baron, to attend for them and on their Behalf respectively before such Judge; and the Trial of every Cause which shall be so had by virtue of this Act shall, if necessary, be entered of Record as having been had before the Judge by whom such Cause in fact was tried.

Power to the Court or Judge in certain Cases to direct Trial to take place before Chairman or Recorder. 19 & 20 Vict. c. 108. s. 26.

171. In any Action when the Plaintiff's Claim is for a Debt or liquidated Demand in Money not exceeding Twenty Pounds, or when such Claim, though it originally exceeded Twenty Pounds, is reduced by Payment into Court, Payment, an admitted Set-off, or otherwise, to a Sum not exceeding Twenty Pounds, it shall be lawful for the Court or a Judge, on the Application of either Party, after Issue joined, in their or his Discretion, to order that the Cause be tried before any Chairman of Quarter Sessions of any County, or the Recorder of any Borough, as the Court or Judge shall direct, and thereupon the Plaintiff shall lodge with the Clerk of the Peace of such County, or the proper Officer of such Borough Court, such Order, and the Issue; and the Judge before whom the same shall be directed to be tried shall appoint a Day for the hearing of the Cause, Notice whereof shall be sent, through the Post Office or otherwise, to both Parties or their Attorneys; and after such Hearing the Clerk of the Peace or proper Officer shall certify the Result to the Master's Office of such Superior Court, and Judgment in accordance with such Certificate may be signed in such Superior Court.

Arbritration.

And with respect to Arbitration, be it enacted as follows:

Power to Court or Judge to direct Arbitration before Trial. 17 & 18 Vict. c. 125. s. 3. 21 & 22 Vict. c. 74. s. 5.

172. If it be made appear, at any Time after the issuing of the Writ, to the Satisfaction of the Court or a Judge, upon the Application of either Party, that the Matter in dispute consists wholly or in part of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for such Court or Judge, upon such Application, if they or he think fit, to decide such Matter in a summary Manner, or to order that such Matter, either wholly or in part, be referred to an Arbitrator appointed by the Parties, or to an Officer of the Court, upon such Terms as to Costs and otherwise as such Court or Judge shall think reasonable; and the Decision or Order of such Court or Judge, or the Award or Certificate of such Referee, shall be enforceable by the same Process as the Finding of a Jury upon the Matter referred.

Special Case may be stated, and Question of Fact tried. 17 & 18 Vict. c. 125. s. 4.

173. If it shall appear to the Court or a Judge that the Allowance or Disallowance of any particular Item or Items in such Account depends upon a Question of Law fit to be decided by the Court, or upon a Question of Fact to be decided by a Jury, or by a Judge, upon the Consent of both Parties as herein-before provided, it shall be lawful for such Court or Judge to direct a Case to be stated, or an Issue or Issues to be tried; and the Decision of the Court upon such Case, and the Finding of the Jury or Judge upon such Issue or Issues, shall be taken and acted upon by the Arbitrator as conclusive.

Arbitrator may state special Case. 17 & 18 Vict. c. 125. s. 5.

174. It shall be lawful for the Arbitrator, upon any compulsory Reference under this Act, or upon any Reference by Consent of Parties, where the Submission is or may be made a Rule or Order of any of the Superior Courts of Law or Equity at Dublin, if he shall think fit, and if it is not provided to the contrary, to state his Award, as to the whole or any Part thereof, in the Form of a special Case for the Opinion of the Court; and when an Action is referred Judgment, if so ordered, may be entered according to the Opinion of the Court.

Power to Judge to direct Arbitration at Time of Trial when Issues of Fact left to his Decision. 17 & 18 Vict. c. 125. s. 6.

175. If upon the Trial of any Issue of Fact by a Judge under this Act it shall appear to the Judge that the Questions arising thereon involve Matter of Account which cannot conveniently be tried before him, it shall be lawful for him, at his Discretion, to order that such Matter of Account be referred to an Arbitrator appointed by the Parties, or to an Officer of the Court, upon such Terms as to Costs and otherwise as such Judge shall think reasonable; and the Award or Certificate of such Referee shall have the same Effect as herein-before provided as to the Award or Certificate of a Referee before Trial; and it shall be competent for the Judge to proceed to try and dispose of any other Matters in question, not referred, in like Manner as if no Reference had been made.

Proceedings before and Power of such Arbitrator. 17 & 18 Vict. c. 125. s. 7.

176. The Proceedings upon any such Arbitration as aforesaid shall, except otherwise directed hereby, or by the Submission or Document authorizing the Reference, be conducted in like Manner, and subject to the same Rules and Enactments as to the Power of the Arbitrator and of the Court, the Attendance of Witnesses, the Production of Documents enforcing or setting aside the Award, and otherwise, as upon a Reference made by Consent under a Rule of Court or Judge's Order.

Power to send back to Arbitrator. 17 & 18 Vict. c. 125. s. 8.

177. In any Case where Reference shall be made to Arbitration as aforesaid the Court or a Judge shall have Power at any Time, and from Time to Time, to remit the Matters referred, or any or either of them, to the Re-consideration and Re-determination of the said Arbitrator, upon such Terms as to Costs and otherwise as to the said Court or Judge may seem proper.

Application to set aside the Award. 17 & 18 Vict. c. 125. s. 9.

178. All Applications to set aside any Award made on a compulsory Reference under this Act shall and may be made within the first Seven Days of the Term next following the Publication of the Award to the Parties, whether made in Vacation or Term; and if no such Application is made, or if no Rule is granted thereon, or if any Rule granted thereon is afterwards discharged, such Award shall be final between the Parties.

Enforcing of Awards within Period for setting them aside. 17 & 18 Vict. c. 125. s. 10.

179. Any Award made on a compulsory Reference under this Act may, by Authority of the Court or a Judge, on such Terms as to them or him may seem reasonable, be enforced at any Time after Seven Days from the Time of Publication, notwithstanding that the Time for moving to set it aside has not elapsed.

180. Whenever the Parties to any Deed or Instrument in Writing to be hereafter made or executed, or any of them, shall agree that any then existing or future Differences between them or any of them shall be referred to Arbitration, and any One or more of the Parties so agreeing, or any Person or Persons claiming through or under him or them, shall nevertheless commence any Action at Law or Suit in Equity against the other Party or Parties, or any of them, or against any Person or Persons claiming through or under him or them in respect of the Matters so agreed to be referred, or any of them, it shall be lawful for the Court in which the Action or Suit is brought, or a Judge thereof, on Application by the Defendant or Defendants, or any of them, after Appearance and before Plea or Answer, upon being satisfied that no sufficient Reason exists why such Matters cannot be or ought not to be referred to Arbitration according to such Agreement as aforesaid, and that the Defendant was at the Time of the bringing of such Action or Suit, and still is, ready and willing to join and concur in all Acts necessary and proper for causing such Matters so to be decided by Arbitration, to make a Rule or Order staying all Proceedings in such Action or Suit, on such Terms as to Costs and otherwise as to such Court or Judge may seem fit: Provided always, that any such Rule or Order may at any Time afterwards be discharged or varied as Justice may require.

If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.
17 & 18 Vict. c. 125. s. 11.

181. If in any Case of Arbitration the Document authorizing the Reference provide that the Reference shall be to a single Arbitrator, and all the Parties do not after Differences have arisen concur in the Appointment of an Arbitrator, or if any appointed Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of such Document do not show that it was intended that such Vacancy should not be supplied, and the Parties do not concur in appointing a new one, or if where the Parties or Two Arbitrators are at liberty to appoint an Umpire or Third Arbitrator such Parties or Arbitrators do not appoint an Umpire or Third Arbitrator, or if any appointed Umpire or Third Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of the Document authorizing the Reference do not show that it was intended that such a Vacancy should not be supplied, and the Parties or Arbitrators respectively do not appoint a new one, then in every such Instance any Party may serve the remaining Parties or the Arbitrators, as the Case may be, with a written Notice to appoint an Arbitrator, Umpire, or Third Arbitrator respectively; and if within Seven clear Days after such Notice shall have been served no Arbitrator, Umpire, or Third Arbitrator be appointed, it shall be lawful for the Court, or any Judge of any of the Superior Courts of

On Failure of Parties or Arbitrators, Court or Judge may appoint single Arbitrator or Umpire.
17 & 18 Vict. c. 125. s. 12.

Law or Equity at Dublin, upon Application of the Party having served such Notice as aforesaid, to appoint an Arbitrator, Umpire, or Third Arbitrator, as the Case may be, and such Arbitrator, Umpire, and Third Arbitrator respectively shall have the like Power to act in the Reference and make an Award as if he had been appointed by Consent of all Parties.

When Reference is to Two Arbitrators, and one Party fail to appoint, other Party may appoint Arbitrator to act alone.
17 & 18 Vict. c. 125. s. 13.

182. When the Reference is or is intended to be to Two Arbitrators, One appointed by each Party, it shall be lawful for either Party, in the Case of the Death, Refusal to act, or Incapacity of any Arbitrator appointed by him, to substitute a new Arbitrator, unless the Document authorizing the Reference show that it was intended that the Vacancy should not be supplied; and if on such a Reference One Party fail to appoint an Arbitrator, either originally or by way of Substitution as aforesaid, for Seven clear Days after the other Party shall have appointed an Arbitrator, and shall have served the Party so failing to appoint with Notice in Writing to make the Appointment, the Party who has appointed an Arbitrator may appoint such Arbitrator to act as sole Arbitrator in the Reference, and an Award made by him shall be binding on both Parties as if the Appointment had been by Consent: Provided, however, that the Court or Judge may revoke such Appointment on such Terms as shall seem just.

Two Arbitrators may appoint Umpire.
17 & 18 Vict. c. 125. s. 14.

183. When the Reference is to Two Arbitrators, and the Terms of the Document authorizing it do not show that it was intended that there should not be an Umpire, or provide otherwise for the Appointment of an Umpire, the Two Arbitrators may appoint an Umpire at any Time within the Period during which they have Power to make an Award, unless they be called upon by Notice as aforesaid to make the Appointment sooner.

Award to be made in Three Months unless Parties or Court enlarge Time.
17 & 18 Vict. c. 125. s. 15.

184. The Arbitrator acting under any such Document or compulsory Order of Reference as aforesaid, or under any Order referring the Award back, shall make his Award under his Hand, and (unless such Document or Order respectively shall contain a different Limit of Time) within Three Months after he shall have been appointed, and shall have entered on the Reference, or shall have been called upon to act by a Notice in Writing from any Party, but the Parties may by Consent in Writing enlarge the Term for making the Award; and it shall be lawful for the Superior Court of which such Submission, Document, or Order is or may be made a Rule or Order, or for any Judge thereof, for good Cause to be stated in the Rule or Order for Enlargement, from Time to Time to enlarge the Term for making the Award; and if no Period be stated for the

Enlargement in such Consent or Order for Enlargement, it shall be deemed to be an Enlargement for One Month; and in any Case where an Umpire shall have been appointed it shall be lawful for him to enter on the Reference in lieu of the Arbitrators, if the latter shall have allowed their Time or their extended Time to expire without making an Award, or shall have delivered to any Party or to the Umpire a Notice in Writing stating that they cannot agree.

Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment. 17 & 18 Vict. c. 125. s. 16.

185. When any Award made on any such Submission, Document, or Order of Reference as aforesaid directs that Possession of any Lands or Tenements capable of being the Subject of an Action of Ejectment shall be delivered to any Party, either forthwith or at any future Time, or that any such Party is entitled to the Possession of any such Lands or Tenements, it shall be lawful for the Court of which the Document authorizing the Reference is or is made a Rule or Order, or any Judge thereof, to order any Party to the Reference who shall be in possession of any such Lands or Tenements, or any Person in possession of the same claiming under or put in possession by him since the making of the Document authorizing the Reference, to deliver Possession of the same to the Party entitled thereto pursuant to the Award; and such Rule or Order to deliver Possession shall have the Effect of a Judgment in Ejectment against every such Party or Person named in it, and Execution may issue, and Possession shall be delivered by the Sheriff as on a Judgment in Ejectment.

Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear. 17 & 18 Vict. c. 125. s. 17.

186. Every Agreement or Submission to Arbitration by Consent, whether by Deed or Instrument in Writing not under Seal, may be made a Rule of any One of the Superior Courts of Law or Equity at Dublin, on the Application of any Party thereto, unless such Agreement or Submission contain Words purporting that the Parties intend that it should not be made a Rule of Court; and if in any such Agreement or Submission it is provided that the same shall or may be made a Rule of One in particular of such Superior Courts, it may be made a Rule of that Court only; and if, when there is no such Provision, a Case be stated in the Award for the Opinion of One of the Superior Courts, and such Court be specified in the Award, and the Document authorizing the Reference have not, before the Publication of the Award to the Parties, been made a Rule of Court, such Document may be made a Rule only of the Court specified in the Award; and when in any Case the Document authorizing the Reference is or has been made a Rule or Order of any One of such Superior Courts, no other of such Courts shall have any Jurisdiction to entertain any Motion respecting the Arbitration or Award.

Admission of Documents; Proceedings at Trial and Evidence.

And with respect to the Admission of Documents, Proceedings at the Trial, and Evidence, be it enacted as follows:

Admission of Documents. 15 & 16 Vict. c. 76. s. 117.

187. Either Party may call on the other Party by Notice to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect to admit, the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable; and no Costs of proving any Document shall be allowed unless such Notice be given, except in Cases where the Omission to give the Notice is, in the Opinion of the Taxing Officer, a Saving of Expense.

Proof of Admissions. 15 & 16 Vict. c. 76. s. 118.

188. An Affidavit of the Attorney in the Cause, or his Clerk, of the due Signature of any Admissions made in pursuance of such Notice, and annexed to the Affidavit, shall be in all Cases sufficient Evidence of such Admissions.

Proof of Notice to produce. 15 & 16 Vict. c. 76. s. 119.

189. An Affidavit of the Attorney in the Cause, or his Clerk, of the Service of any Notice to produce, in respect of which Notice to admit shall have been given, and of the Time when it was served, with a Copy of such Notice to produce annexed to such Affidavit, shall be sufficient Evidence of the Service of the Original of such Notice, and of the Time when it was served.

Speeches to the Jury. 17 & 18 Vict. c. 125. s. 18.

190. Upon the Trial of any Cause the Addresses to the Jury shall be regulated as follows: The Party who begins, or his Counsel, shall be allowed, in the event of his Opponent not announcing at the Close of the Case of the Party who begins his Intention to adduce Evidence, to address the Jury a Second Time at the Close of such Case, for the Purpose of summing up the Evidence; and the Party on the other Side, or his Counsel, shall be allowed to open the Case, and also to sum up the Evidence (if any); and the Right to reply shall be the same as at present.

Power to adjourn Trial. 17 & 18 Vict. c. 125. s. 19.

191. It shall be lawful for the Court or Judge, at the Trial of any Cause where they or he may deem it right for the Purposes of Justice, to order an Adjournment for such Time, and subject to such Terms and Conditions as to Costs and otherwise, as they or he may think fit.

Affirmation instead of Oath in certain Cases. 17 & 18 Vict. c. 125. s. 20.

192. If any Person called as a Witness, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn,

sworn, to make his or her solemn Affirmation or Declaration in the Words following; videlicet,

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, that 'the taking of any Oath is, according to my Religious Belief, 'unlawful; and I do also solemnly, sincerely, and truly affirm and 'declare, *&c.*'

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

Persons making a false Affirmation subject to the same Punishment as for Perjury.
17 & 18 Vict. c. 125. s. 21.

193. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

How far a Party may discredit his own Witness.
17 & 18 Vict. c. 125. s. 22.

194. A Party producing a Witness shall not be allowed to impeach his Credit by general Evidence of bad Character, but he may, in case the Witness shall in the Opinion of the Judge prove adverse, contradict him by other Evidence, or, by Leave of the Judge, prove that he has made at other Times a Statement inconsistent with his present Testimony; but before such last-mentioned Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Proof of contradictory Statements of adverse Witness.
17 & 18 Vict. c. 125. s. 23.

195. If a Witness, upon Cross-examination as to a former Statement made by him relative to the Subject Matter of the Cause, and inconsistent with his present Testimony, does not distinctly admit that he has made such Statement, Proof may be given that he did in fact; but before such Proof can be given the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Cross-examination as to previous Statements in Writing.
17 & 18 Vict. c. 125. s. 24.

196. A Witness may be cross-examined as to previous Statements made by him in Writing, or reduced into Writing, relative to the Subject Matter of the Cause without such Writing being shown to him; but if it is intended to contradict such Witness by the Writing, his Attention must, before such contradictory Proof can be given, be called to those Parts of the Writing which are to be used for the Purpose of so contradicting him: Provided always, that it shall be competent for the Judge at any Time during the Trial to require the Production of the Writing for his Inspection, and he may thereupon make such Use of it for the Purposes of the Trial as he shall think fit.

Proof of previous Conviction of a Witness may be given.
17 & 18 Vict. c. 125. s. 25.

197. A Witness in any Cause may be questioned as to whether he has been convicted of any Felony or Misdemeanor, and upon being so questioned, if he either denies the Fact or refuses to answer, it shall be lawful for the opposite Party to prove such Conviction; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for such Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was convicted, or by the Deputy of such Clerk or Officer (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken), shall, upon Proof of the Identity of the Person, be sufficient Evidence of the said Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Attesting Witness need not be called except in certain Cases.
17 & 18 Vict. c. 125. s. 26.

198. It shall not be necessary to prove by the attesting Witness any Instrument to the Validity of which Attestation is not requisite; and such Instrument may be proved by Admission or otherwise, as if there had been no attesting Witness thereto.

Comparison of disputed Writing.
17 & 18 Vict. c. 125. s. 27.

199. Comparison of a disputed Writing with any Writing proved to the Satisfaction of the Judge to be genuine shall be permitted to be made by Witnesses, and such Writings and the Evidence of Witnesses respecting the same may be submitted to the Court and Jury as Evidence of the Genuineness or otherwise of the Writing in dispute.

Provision for stamping Documents at the Trial.
17 & 18 Vict. c. 125. s. 28.

200. Upon the Production of any Document as Evidence at the Trial of any Cause it shall be the Duty of the Officer of the Court whose Duty it is to mark such Document, to call the Attention of the Judge to any Omission or Insufficiency of the Stamp; and the Document, if unstamped or insufficiently stamped, shall not be received in Evidence until the whole or (as the Case may be) the Deficiency of the Stamp Duty; and the Penalty required by Statute, together with the additional Penalty of *One Pound*, shall have been paid.

Officer of the Court to receive the

201. Such Officer of the Court shall upon Payment to him of the whole or (as the Case may be) of the Deficiency of the Stamp Duty payable upon or in respect of such Document, and of the

Penalty

Duty and Penalty. 17 & 18 Vict. c. 125. s. 29.

Penalty required by Statute, and of the additional Penalty of *One Pound*, give a Receipt for the Amount of the Duty or Deficiency which the Judge shall determine to be payable, and also of the Penalty, and thereupon such Document shall be admissible in Evidence, saving all just Exceptions on other Grounds; and an Entry of the Fact of such Payment, and of the Amount thereof, shall be made in a Book kept by such Officer; and such Officer shall at the End of each Sittings or Assizes (as the Case may be) duly make a Return to the Commissioners of Inland Revenue of the Moneys, if any, which he has so received by way of Duty or Penalty, distinguishing between such Moneys, and stating the Name of the Cause and of the Parties from whom he received such Moneys, and the Date, if any, and Description of the Document for the Purpose of identifying the same, and he shall pay over the said Moneys to the Receiver General of the Inland Revenue, or to such Person as the said Commissioners shall appoint or authorize to receive the same; and in case such Officer shall neglect or refuse to furnish such Account, or to pay over any of the Moneys so received by him as aforesaid, he shall be liable to be proceeded against in the Manner directed by the Eighth Section of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to repeal certain "Stamp Duties, and to grant others in lieu thereof; and to amend "the Laws relating to the Stamp Duties;" and the said Commissioners shall, upon Request and Production of the Receipt hereinbefore mentioned, cause such Documents to be stamped with the proper Stamp or Stamps in respect of the Sums so paid as aforesaid.

Secondary Evidence may be given of lost Documents where Original unstamped.

202. If, upon any Trial or other Proceeding pending in any Court, it shall appear to the Court or Judge or other presiding Officer that any Document liable to Stamp Duty has been lost or destroyed, or cannot be produced, and that such Document was or is either unstamped or insufficiently stamped, and that but for such Defect secondary Evidence thereof would be admissible, it shall be lawful for such Court, Judge, or other presiding Officer, at their or his Discretion, upon Payment to the Officer of the Court whose Duty it would be to mark the said Document if forthcoming of the whole, or, as the Case may be, of the Deficiency of the Stamp Duty which the Court or Judge or other presiding Officer shall determine to be payable upon or in respect of such Document, and of such Penalties as mentioned in the last preceding Section, to receive secondary Evidence of the Contents of such Document, saving all just Exceptions on other Grounds; and the last-mentioned Officer shall, upon Demand, within a reasonable Time after such Trial, deliver to the Party by whom or on whose Behalf such Stamp

Duty and Penalties have ben paid, a Certificate under his Hand containing the Title of the Cause or other Proceeding in which such Payment has been made, the Nature of the Stamp Duty, and the Amount which the Judge or other presiding Officer shall have determined to be payable as aforesaid, the Moneys received in respect of Stamp Duty and Penalties, distinguishing between such Moneys, and such short Description and Summary of the Contents of the Document as may be sufficient to identify the same; and such Certificate shall thenceforth have the same Force and Effect in all Courts of Justice as if such original Document were duly impressed with the Stamp expressed in such Certificate; and the said Officer shall make such Returns and Payments in respect of Moneys so to be received by him as are provided by the last preceding Section, and in case of Neglect or Refusal so to do he shall be liable to be proceeded against in the Manner provided in the last preceding Section.

The last Two preceding Sections not to apply where Document cannot be stamped after Execution. 17 & 18 Vict. c. 135. s. 29.

203. The Enactments contained in the last Two preceding Sections shall not extend to the Case of any Document which cannot now be stamped after the Execution thereof on the Payment of the Duty and a Penalty.

No Document under this Act to require a Stamp. 17 & 18 Vict. c. 125. s. 30.

204. No Document made or required under the Provisions of this Act shall, save as herein-after provided, be liable to any Stamp Duty.

No new Trial for ruling as to Stamp. 17 & 18 Vict. c. 125. s. 31.

205. No new Trial shall be granted by reason of the ruling of any Judge that the Stamp upon or in respect of any Document is sufficient, or that the Document does not require a Stamp.

Bills of Exceptions.

With respect to Bills of Exception, be it enacted as follows:

Form of Bill of Exceptions. 16 & 17 Vict. c. 113. s. 121.

206. Every Bill of Exceptions may be according to the Form No. 7. in the Schedule (A.) to this Act annexed; and it shall be lawful, by Consent of the Parties or Order of the Judge, to incorporate any Deed or Document therewith by an appropriate Reference to such Deed or Document, without setting forth the same.

Judgment.

With respect to the Form and Manner of entering Judgment, be it enacted as follows:

Judgment not to be arrested on technical Grounds. 16 & 17 Vict. c. 113. s. 122.

207. No Judgment shall be arrested or stayed or reversed by reason of any Imperfection, Omission, Defect in, or Lack of Form in any Declaration or other Pleading or Proceeding, nor by reason that the Venue is misplaced, or the Trial had in a wrong County or Place, nor by reason of any Misnomer of any of the Jurors who tried the Case in Name, Surname, or Addition, so as it appeared to the Court to be the same Person that was meant to be returned, nor by reason that the Plaintiff or Defendant, being under the Age of Twenty-one Years, did sue or defend by Attorney.

Entry of Judgment on the Roll unnecessary for Execution.
16 & 17 Vict. c. 113. s. 123.

208. It shall not be necessary, before issuing Execution upon any Judgment under the Authority of this Act, to enter the Proceedings upon any Roll, but on producing and lodging with the proper Officer a Certificate of the Name, Description, and Address of the Parties, an Entry shall be made in the Judgment Book, signed by the Master, shortly stating the Nature of the Judgment, and thereupon the Costs shall be taxed and Execution issued according to the Practice heretofore used; and such Entry in the said Judgment Book shall contain a Reference to the Number of the Roll on which such Judgment shall be enrolled, and shall contain a Column in which any Satisfaction of the said Judgment may be afterwards entered, if necessary: Provided, nevertheless, that the Proceedings may be entered upon the Roll whenever the same may become necessary for the Purpose of Evidence, or of bringing Error, or the like.

Judgment for Money Demands without Distinction between Debt and Damages.
15 & 16 Vict. c. 76. s. 95.

209. In all Actions where the Plaintiff recovers a Sum of Money the Amount to which he is entitled may be awarded to him generally without any Distinction being therein made as to whether such Sum is recovered by way of Debt or Damages.

And with respect to Execution, be it enacted as follows:

Execution.

Execution after Trial.
16 & 17 Vict. c. 113. s. 127.

210. A Plaintiff or Defendant having obtained a Verdict or Nonsuit in a Cause tried out of Term shall be entitled, without any Rule on the Postea or Inquisition, to mark Judgment, and to issue Execution in Fourteen Days, and in a Cause tried in Term in Four Days, unless the Judge who tries the Cause, or some other Judge, or the Court, shall order Execution to issue at an earlier or later Period, with or without Terms; and it shall be lawful for the said Judge before whom the Trial has been had, or any other Judge, or the Court, to make such Order accordingly: Provided that, notwithstanding any Judgment signed or recorded or Execution issued by virtue of this Act, it shall be lawful for the Court in which such Action shall have been brought, to order such Judgment to be vacated, and Execution to be stayed or set aside, and to enter an Arrest of Judgment, or grant a new Trial or new Writ of Inquiry, as Justice may appear to require, and thereupon the Party affected by such Execution shall be restored to all he may have lost thereby in such Manner as upon the Reversal of a Judgment by a Proceeding in Error, or otherwise as the Court may think fit to direct.

Ground Writs not necessary. 15 & 16 Vict. s. 76. s. 121.

211. It shall not be necessary to issue any Writ directed to the Sheriff of the County in which the Venue is laid, but Writs of Execution may issue at once into any County, and be directed to and executed by the Sheriff of any County, without reference to the County in which the Venue is laid, and without any Suggestion of the issuing of a prior Writ into such County.

Expenses of Execution. 15 & 16 Vict. c. 76. s. 123.

212. In every Case of Execution the Party entitled to Execution may levy the Poundage Fees and Expenses of the Execution, over and above the Sum recovered.

Writs of Execution to remain in force for One Year, and to be renewed if necessary. 15 & 16 Vict. c. 76. s. 124.

213. A Writ of Execution issued after the Commencement of this Act, if unexecuted, shall not remain in force for more than One Year from the Teste of such Writ, unless renewed in the Manner herein-after provided; but such Writ may, at any Time before its Expiration, be renewed by the Party issuing it, for One Year from the Date of such Renewal, and so on from Time to Time during the Continuance of the renewed Writ, either by being marked with a Seal bearing the Date of the Day, Month, and Year of such Renewal (such Seal to be provided and kept for that Purpose at the Office of the Master of the Court out of which such Writ issued), or by such Party giving a written Notice of Renewal to the Sheriff, signed by the Party or his Attorney, and bearing the like Seal of the Court; and a Writ of Execution so renewed shall have effect and be entitled to Priority according to the Time of the original Delivery thereof: Provided, however, that no Writ of Habere shall be renewed without the special Leave of the Court or Judge.

Production of renewed Writ Evidence of Renewal. 15 & 16 Vict. c. 76. s. 125.

214. The Production of a Writ of Execution, or of the Notice renewing the same, purporting to be marked with such Seal, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed.

Sheriff or Gaoler may discharge Prisoner by Authority of Attorney in the Cause. 15 & 16 Vict. c. 76. s. 126.

215. A written Order under the Hand of the Attorney in the Cause by whom any Writ of Capias ad satisfaciendum shall have been issued shall justify the Sheriff, Gaoler, or Person in whose Custody the Party may be under such Writ in discharging such Party, unless the Party for whom such Attorney professes to act shall have given written Notice to the contrary to such Sheriff, Gaoler, or Person in whose Custody the opposite Party may be, but such Discharge shall not be a Satisfaction of the Debt, unless made by the Authority of the Creditor; and nothing herein contained shall justify any Attorney in giving such Order for Discharge without the Consent of his Client.

216. It shall not be necessary in any Case to sue out a Writ of Habeas corpus ad satisfaciendum to charge in Execution a Person already in the Prison of the Court, but such Person may be so charged in Execution by a Judge's Order made upon Affidavit that Judgment has been signed and is not satisfied; and the Service of such Order upon the Keeper of the Prison for the Time being shall have the Effect of a Detainer.

Proceedings for charging in execution a Person already in Prison of the Court.

15 & 16 Vict. c. 76. s. 127.

217. By virtue of any Writ of Fieri facias to be sued out of any Superior or Inferior Court, or any Precept in pursuance thereof, the Sheriff or other Officer having the Execution thereof may and shall seize and take any Money or Bank Notes (whether of the Governor and Company of the Bank of Ireland or of any other Bank or Bankers), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money, belonging to the Person against whose Effects such Writ of Fieri facias shall be sued out, and may and shall pay or deliver to the Party suing out such Execution any Money or Bank Notes which shall be so seized, or a sufficient Part thereof, and may and shall hold any such Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money as a Security or Securities for the Amount by such Writ of Fieri facias directed to be levied, or so much thereof as shall not have been otherwise levied and raised, and may sue in the Name of such Sheriff or other Officer for the Recovery of the Sum or Sums secured thereby, if and when the Time of Payment thereof shall have arrived; and the Payment to such Sheriff or other Officer by the Party liable, with or without Suit, or the Recovery and levying Execution against the Party so liable, shall discharge him to the Extent of such Payment, or of such Recovery and Levy in Execution, as the Case may be, from his Liability on any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security; and such Sheriff or other Officer may and shall pay over to the Party suing out such Writ the Money so to be recovered, or such Part thereof as shall be sufficient to discharge the Amount by such Writ directed to be levied; and if, after Satisfaction of the Amount so to be levied, together with Sheriff's Poundage and Expenses, any Surplus shall remain in the Hands of such Sheriff or other Officer, the same shall be paid to the Party against whom such Writ shall be so issued: Provided that no such Sheriff or other Officer shall be bound to sue any Party liable upon any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security, unless the Party suing out such Execution shall enter into a Bond, with Two sufficient Sureties, for indemnifying him from all Costs and Expenses to be incurred in the Prosecution of such Action, or to which he may become liable in consequence

Sheriff empowered to seize Money, Bank Notes, &c., and to pay Money or Bank Notes to Execution Creditor.

16 & 17 Vict. c. 113. s. 131.
3 & 4 Vict. c. 105. s. 20.

thereof, the Amount of such Bond or the Sufficiency of such Sureties, or such Amount and such Sufficiency, to be determined by the Master of the Court in which such Action shall be brought, or, if the Court shall so order, by a Commissioner of such Court authorized to take special Bail, and the Expense of such Bond to be deducted out of any Money to be recovered in such Action.

Attachment of Government and public Stock and Shares.
16 & 17 Vict. c. 113. s. 132.
3 & 4 Vict. c. 105. s. 23.

218. If any Person against whom any Judgment shall have been entered up in any of Her Majesty's Superior Courts at Dublin shall have any Government Stock, Funds, or Annuities, or any Stock or Shares in any public Company in Ireland, whether incorporated or not, and standing in his Name in his own Right, or in the Name of any Person in trust for him, it shall be lawful for the Court or a Judge, on the Application of such Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them or such Part thereof as such Court or Judge shall think fit, shall stand charged with the Payment of the Amount for which such Judgment shall have been so recovered, and Interest thereon, and such Order shall entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such Charge had bee nmade in his Favour by the Judgment Debtor; and the Provisions last aforesaid shall extend to the Interest of any Judgment Debtor, whether in Possession, Remainder, or Reversion, and whether vested or contingent, as well in any such Stocks, Funds, Annuities, or Shares as aforesaid, as also in the Dividends, Interest, or annual Produce of any such Stocks, Funds, Securities, or Shares; provided that no Proceedings shall be taken to have the Benefit of such Charge until after the Expiration of *Six Calendar Months* from the Date of such Order.

Order in respect of Money in Name of Accountant General.
16 & 17 Vict. c. 113. s. 135.
3 & 4 Vict. c. 105. s. 23.

219. If such Judgment Debtor shall have any such Estate or Interest, as mentioned in the last preceding Section, in any such Stock, Funds, Annuities, or Shares, or Money, which shall be standing in the Name of the Accountant General of the Court of Chancery, or of the Landed Estates Court, or of the Master of any of the Superior Courts of Law in Ireland, or in the Dividends, Interest, or annual Produce thereof, it shall be lawful for the Court or a Judge to make such Order as to such Stock, Funds, Annuities, Shares, or the Dividends, Interest, and annual Produce thereof, as if the same had been standing in the Name of a Trustee for such Judgment Debtor; but no such Order shall prevent the Governor and Company of the Bank of Ireland or any public Company from permitting any Transfer of such Stocks, Funds, Annuities, or Shares, or Money, or the Payment of the Dividends, Interest, or annual Produce thereof, in such Manner as the said Court of Chancery, or the Landed Estates Court, or the Court of Common Law may direct, or shall have any greater Effect than if such Debtor had charged such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in favour of the Judgment Creditor, with the Amount of the Sum to be mentioned in any such Order: Provided, that no Proceedings shall be taken to have the Benefit of such Charge until after the Expiration of *Six Calendar Months* from the Date of such Order; and provided also, that it shall be lawful for the said Court of Chancery, or Court of Common Law, or the said Landed Estates Court, on the Application of the Judgment Creditor, to make such Order in respect of same shall be just.

Order of Court or Judge to be made in the first instance ex parte, and Notice to Bank or Company to operate as a Distringas. 3 & 4 Vict. c. 105. s. 24.

220. And in order to prevent any Person against whom Judgment shall have been obtained from transferring, receiving, or disposing of any Stock, Funds, Annuities, or Shares hereby authorized to be charged for the Benefit of a Judgment Creditor, under an Order of a Court or Judge, be it enacted, That every Order of such Court or Judge charging any Government Stock, Funds, or Annuitities, or any Stock or Shares in any public Company under this Act, shall be made in the first instance ex parte and without any Notice to the Judgment Debtor, and shall be an Order to show Cause only; and such Order, if any Government Stock, Funds, or Annuities standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in trust for him, is or are to be affected by such Order, shall restrain the Governor and Company of the Bank of Ireland from permitting a Transfer of such Stock in the meantime, and until such Order shall be made absolute or discharged; and if any Stock or Shares of or in any public Company standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in trust for him, is or are to be affected by any such Order, shall in like Manner restrain such public Company from permitting a Transfer thereof; and if after Notice of such Order to the Person or Persons to be restrained thereby, or in case of Corporations, to any authorized Agent of such Corporation, and before the same Order shall be discharged or made absolute, such Corporation or Person or Persons, shall permit any such Transfer to be made, then and in such Case the Corporation or Person or Persons so permitting such Transfer shall be liable to the Judgment Creditor for the Value or Amount of the Property so charged and so transferred, or such Part thereof as may be sufficient to satisfy his Judgment; and no Disposition of the Judgment Debtor in the meantime shall be valid or effectual as against the Judgment Creditor; and further, unless the Judgment Creditor shall within a Time to be mentioned in such Order show to One of the said Courts or a Judge thereof sufficient Cause to the Contrary, the said Order shall, after

Proof of Notice thereof to the Judgment Debtor, his Attorney, or Agent, be made absolute: Provided that any such Court or Judge shall, upon the Application of the Judgment Debtor, or any Person interested, have full Power to discharge or vary such Order, and to award such Costs upon such Application as the said Court or Judge may think fit.

Execution against beneficed Clergymen. 16 & 17 Vict. c. 113. s. 136.

221. Where to a Writ of Fieri facias issued against a beneficed Clergyman the Sheriff shall have returned Nulla bona, and that the Defendant is a beneficed Clerk having no lay Fee, the Plaintiff may as of course issue a Writ of Execution De bonis ecclesiasticis directed to the Bishop of any Diocese in which the Defendant may have a Benefice, and at any Time after a Writ of Execution De bonis ecclesiasticis shall have been delivered to any Bishop, the Plaintiff may apply to the Court by Motion for an Order that the Bishop do certify what has been done under the Writ, and that the Sequestrator do account; and where, in obedience to any such Writ of Fieri facias de bonis ecclesiasticis, a Sequestration of the ecclesiastical Benefice shall be issued by any Bishop, it shall be lawful for any Court in which any Judgment shall be had against the same Defendant, and Execution issued and returned Nulla bona, to make an Order extending the said Sequestration to the Matter of the said last-mentioned Judgment, without any further Writ or Proceeding; and the said last-mentioned Creditor shall have the Benefit of such Sequestration, and with Priority as from the Date of such Order of Extension, as if it were a Sequestration issued at his own Instance.

Return of Devastavit not to be made but on Finding of Jury. 16 & 17 Vict. c. 113. s. 137.

222. No Sheriff or other Officer shall return a Devastavit against any Defendant being an Executor or Administrator in any Action, but upon any Inquisition taken on the Oaths of Twelve lawful Men of his County to whom Challenge may be taken; and the Plaintiff shall give the Defendant Ten Days previous Notice of the taking of such Inquisition, and of the Time and Place of taking the same; and upon the Return of such Devastavit the Plaintiff shall be entitled to immediate Execution De bonis propriis without further Rule or Judgment.

Examination of Judgment Debtor as to Debts due to him. 17 & 18 Vict. c. 125. s. 60.

223. It shall be lawful for any Creditor who has obtained a Judgment in any of the Superior Courts to apply to the Court or a Judge for a Rule or Order that the Judgment Debtor should be orally examined as to any and what Debts are owing to him before a Master of the Court, or such other Person as the Court or Judge shall appoint, and the Court or Judge may make such Rule or Order for the Examination of such Judgment Debtor and for the Production of any Books or Documents, and the Examination shall be conducted in the same Manner as in the Case of an oral Examination of an opposite Party before a Master under this Act.

Court or Judge may order an Attachment of Debts. 17 & 18 Vict. c. 125. s. 61.

224. It shall be lawful for the Court or a Judge, upon the ex parte Application of such Judgment Creditor, either before or after such oral Examination, and upon Affidavit by himself or his Attorney, stating that Judgment has been recovered, and that it is still unsatisfied, and to what Amount, and that any other Person is indebted to the Judgment Creditor, and is within the Jurisdiction, to order that all Debts owing or accruing from such Third Person (herein-after called the Garnishee) to the Judgment Debtor shall be attached to answer the Judgment Debt; and by the same or any subsequent Order it may be ordered that the Garnishee shall appear before the Court or Judge, to show Cause why he should not pay the Judgment Creditor the Debt due from him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt; and the Court may, in relation to the Service of such Order, or any Notice thereof, exercise such or the like Powers as are contained in the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of this Act, in relation to the Service of Writs in personal Actions.

Order for Attachment to bind Debts. 17 & 18 Vict. c. 125. s. 62.

225. Service of an Order that Debts due or accruing to the Judgment Debtor shall be attached, or Notice thereof to the Garnishee, in such Manner as the Court or Judge shall direct, shall bind such Debts in his Hands.

Proceedings to levy Amount due from Garnishee to Judgment Debtor. 17 & 18 Vict. c. 125. s. 63.

226. If the Garnishee does not forthwith pay into Court the Amount due from him to the Judgment Debtor, or an Amount equal to the Judgment Debt, and does not dispute the Debt due or claimed to be due from him to the Judgment Debtor, or if he does not appear upon Summons, then the Court or Judge may order Execution to issue, and it may be sued forth accordingly, without any previous Writ or Process, to levy the Amount due from such Garnishee towards Satisfaction of the Judgment Debt.

The Court or a Judge may allow Judgment Creditor to sue Garnishee. 17 & 18 Vict. c. 125. s. 64.

227. If the Garnishee disputes his Liability, the Court or a Judge, instead of making an Order that Execution shall issue, may order that the Judgment Creditor shall be at liberty to proceed against the Garnishee by Writ, calling upon him to show Cause why there should not be Execution against him for the alleged Debt, or for the Amount due to the Judgment Debtor, if less than the Judgment Debt, and for Costs of Suit; and the Proceedings upon such Suit shall be the same as nearly as may be as upon a Writ of Revivor issued under this Act.

Garnishee discharged. 17 & 18 Vict. c. 125. s. 65.

228. Payment made by or Execution levied upon the Garnishee under any such Proceeding as aforesaid shall be a valid Discharge to him as against the Judgment Debtor to the Amount paid or levied, although such Proceeding may be set aside or the Judgment reversed.

Attachment Book to be kept by the Masters of each Court. 17 & 18 Vict. c. 125. s. 66.

229. In each of the Superior Courts there shall be kept at the Master's Office a Debt Attachment Book, and in such Book Entries shall be made of the Attachment and Proceedings thereon, with Names, Dates, and Statements of the Amount recovered, and otherwise; and the Mode of keeping such Books shall be the same in all the Courts; and Copies of any Entries made therein may be taken by any Person upon Application to the Master.

Costs of Application. 17 & 18 Vict. c. 125. s. 67.

230. The Costs of any Application for an Attachment of Debt under this Act, and of any Proceedings arising from or incidental to such Application, shall be in the Discretion of the Court or a Judge.

The Court or a Judge may refuse to interfere in Proceedings to attach Debts. 23 & 24 Vict. c. 126. s. 28.

231. In Proceedings to obtain an Atttachment of Debts under the foregoing Provisions, the Court or Judge may, in their or his Discretion, refuse to interfere, or may impose such Terms and Conditions as to the Time and Mode of Payment, or otherwise, as they or he may think fit.

Proceedings where Third Person has a lien on the Debt. 23 & 24 Vict. c. 126. s. 29.

232. Whenever in Proceedings to obtain an Attachment of Debts under this Act, it is suggested by the Garnishee that the Debt sought to be attached belongs to some Third Person who has a Lien or Charge upon it, the Court or Judge may order such Third Person to appear before them or him, and state the Nature and Particulars of his Claim upon such Debt.

The Court or a Judge may bar Claim of ThirdPerson, and make Orders. 23 & 24 Vict. c. 126. s. 30.

233. After hearing the Allegations of such Third Person under such Order, and of any other Person whom by the same or any subsequent Order the Court or Judge may think fit to call before them or him, or in case of such Third Person not appearing before them or him upon such Summons, the Court or Judge may order Execution to issue to levy the Amount due from such Garnishee, or the Judgment Creditor to proceed against the Garnishee, according to the Provisions of this Act, and may bar the Claim of such Third Person, or make such other Order as the Court or Judge shall think fit, upon such Terms, in all Cases, with respect to the Lien or Charge (if any) of such Third Person, and to Costs, as they or he shall think just and reasonable.

234. Writs of Injunction against a Corporation may be enforced either by Attachment against the Directors or other Officers thereof, or by Writ of Sequestration against the Property and Effects of such Corporation, or of such Directors or Officers, to be issued in such Form and tested and returnable in like Manner as Writs of Execution, and to be proceeded upon and in like Manner as Writs of Sequestration issuing out of the Court of Chancery.

Mode of enforcing Writs of Injunction against Corporations. 23 & 24 Vict. c. 126. s. 33.

And with respect to the Assignment and Suggestion of Breaches on Covenants and Agreements for Payment of any penal Sum, be it enacted as follows:

Assignment of Breaches.

235. In any Action on any Bond, Covenant, or Agreement for Payment of any penal Sum for Nonperformance of any Covenant or Agreement contained in any Deed or Writing, and whether accompanied by Warrant of Attorney or not, the Plaintiff may, in the Declaration, assign One or more than One Breach of such Covenant or Agreement.

Assignment of Breaches. on penal Covenant. 16 & 17 Vict. c. 113. s. 145.

236. In all such Actions as last aforesaid, the Jury or the Master shall ascertain the Damages in respect of such Breach or Breaches as shall be proved or admitted, and Judgment shall be entered for the full Amount of such Penalty, with an Award of the Payment of the Damages assessed if any; and in case the Defendant shall pay into Court to the Credit of the Cause the Damages so assessed by the Jury or the Master, with the Costs of Suit, a Stay of Execution shall be entered on the Record of such Judgment for that Time; and in case the Plaintiff shall be paid or satisfied the said Damages so assessed or the penal Sum aforesaid at the Election of the Defendant, with the Costs of Suit aforesaid and of Execution, the Defendant shall be discharged from such Execution entirely or for that Time, and for the Amount so paid, according as the Case may be, and such Discharge may be entered on the Record of the said Judgment; but in case the said Damages do not amount to the said penal Sum, such Judgment shall still remain in full Force as a further Security to answer the Plaintiff, his Executors and Administrators, all such Damages as may be afterwards sustained by reason of any further Breach of any Covenant or Agreement in the said Deed or Writing as far as the Remainder of such penal Sum, after the Payment of the Damages formerly recovered out of the same, will reach.

Damages on Breaches to be ascertained. 16 & 17 Vict. c. 113. s. 146.

237. In all such Actions as last aforesaid, in case Judgment shall pass for the Plaintiff, and the full Amount thereof, and the Costs of Suit shall not have been paid or levied, and afterwards any further Breach or Breaches shall happen, the Plaintiff shall be at liberty to

Suggestion of further Breaches and Execution on same. 16 & 17 Vict. c. 113. s. 147.

file One or more than One Suggestion of such Breaches in the Form No. 8. in the Schedule (A.) to this Act annexed, or to the like Effect, and such Suggestion shall be pleaded to and the Truth of the Matters therein suggested shall be tried, and Damages awarded, and Judgment and Execution shall be given in like Manner as if the same were on Writ and Declaration; and upon Payment or Satisfaction of such further Damages and Costs, further Proceedings shall be stayed for that Time, and so from Time to Time as often as Occasion may require, on every new Breach the said Judgment may be resorted to, so far as aforesaid, and no further; and upon Payment or Satisfaction made to the full Amount of the said penal Sum and Costs as aforesaid, the said Defendant, his Body, Lands, and Goods, shall be discharged of all Execution in respect of the same.

Proceedings to revive.

And with respect to Proceedings for the Revival of Judgments and other Proceedings by and against Persons not Parties to the Record, be it enacted as follows:

Execution in Six Years without Revival. 15 & 16 Vict. c. 76. s. 128.

238. Writs of Execution may be issued at any Time within *Six Years* after the Recovery of the Judgment, by or against the Plaintiffs or Defendants, or the Survivors of them, without any Revival of such Judgment.

Judgment to be revived by Writ or with Leave of Court or Judge by Suggestion. 15 & 16 Vict. c. 76. s. 129.

239. In Cases where it shall become necessary to revive a Judgment by reason either of Lapse of Time or of a Change by Death, or otherwise, of the Parties entitled or liable to Execution, the Party alleging himself to be entitled to Execution may either sue out a Writ of Revivor in the Form herein-after mentioned, or apply to the Court or a Judge for Leave to enter a Suggestion upon the Roll, to the Effect that it manifestly appears to the Court that such Party is entitled to have Execution of the Judgment and to issue Execution thereupon; such Leave to be granted by the Court or a Judge upon a Rule to show Cause, and which Rule may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 9., or to the like Effect.

Proceedings upon Application for Suggestion to revive Judgment. 15 & 16 Vict. c. 76. s. 130.

240. Upon such Application, in case it manifestly appears that the Party making the same is entitled to Execution, the Court or Judge shall allow such Suggestion as aforesaid to be entered in the Form contained in the Schedule (A.) to this Act annexed marked No. 10., or to the like Effect, and Execution to issue thereupon, and shall order, whether or not the Costs of such Application shall be paid to the Party making the same, and in case the said Costs shall be so ordered to the Party making the Application, they shall be Costs in the Cause; and in case it does not manifestly so appear, the Court or Judge shall discharge the Rule with or without Costs: Provided nevertheless, that in such last-mentioned Case the Party making such Application shall be at liberty to proceed by Writ of Revivor or Action upon the Judgment.

Plea of Payment of Judgment.
16 & 17 Vict. c. 113. s. 125.

241. In any Action on a Judgment or in any Proceeding by Writ of Revivor to revive a Judgment, or to have Execution for the Sum remaining due and unsatisfied on Foot of such Judgment, if the Defendant has paid the Money due on such Judgment or the Balance claimed on Foot of the same, such Payment shall and may be pleaded in bar of any such Action or Proceeding by Writ of Revivor.

Writ of Revivor and Proceedings thereon.
15 & 16 Vict. c. 76. s. 131.

242. The Writ of Revivor shall be directed to the Party called upon to show Cause why Execution should not be awarded, and shall bear Teste on the Day of its issuing; and after reciting the Reason why such Writ has become necessary it shall call upon the Party to whom it is directed to appear within *Eight Days* after Service thereof in the Court out of which it issues, to show Cause why the Party at whose Instance such Writ has been issued should not have Execution against the Party to whom such Writ is directed for the Amount claimed to be due, and it shall give Notice that, in default of Appearance, the Party issuing such Writ may proceed to Execution for such Amount, together with the Costs of such Proceedings; and such Writ may be in the Form contained in the Schedule (A.) to this Act annexed marked No. 11., or to the like Effect, and may be served in any County, and otherwise proceeded upon, whether in Term or Vacation, in the same Manner as a Writ of Summons; and the Venue in a Declaration upon such Writ may be laid in any County; and the Pleadings and Proceedings thereupon, and the Rights of the Parties respectively to Costs, shall be the same as in an ordinary Action.

Writs of Scire facias in other Cases to be tested, directed, and proceeded upon in like Manner.
15 & 16 Vict. c. 76. s. 132.
17 & 18 Vict. c. 125. s. 91.

243. All Writs of Scire facias issued out of any of the Superior Courts of Law at Dublin against Bail on a Recognizance, against Members of a Joint Stock Company or other Body upon a Judgment recorded against a public Officer or other Person sued as representing such Company or Body, or against such Company or Body itself, by or against a Husband to have Execution of a Judgment for or against a Wife, for Restitution after a Reversal in Error, or for the Recovery of Land taken under an Elegit, or for Execution upon a Judgment of Assets in futuro, shall be tested, directed, and proceeded upon in like Manner as Writs of Revivor.

Appearance to Writ of Revivor. 15 & 16 Vict. c. 76. s. 133.

244. Notice in Writing to the Plaintiff, his Attorney or Agent, shall be sufficient Appearance to a Writ of Revivor.

As to Issue of Writ of Revivor upon Judgment more than Ten Years old. 15 & 16 Vict. c. 76. s. 134.

245. A Writ of Revivor to revive a Judgment less than *Ten Years* old shall be allowed without any Rule or Order; if more than *Ten Years* old not without an Order of the Court or a Judge, nor, if more than Fifteen, without a Rule to show Cause.

Satisfaction of Judgments.

And with respect to the Satisfaction of Judgments, be it enacted as follows:

Satisfaction of Judgments by Party. 16 & 17 Vict. c. 113. s. 143.

246. When any Party who shall have recovered Judgment in any of the said Courts, or his personal Representative or legal Assignee, shall be willing to cause an Entry of Satisfaction thereof or a Memorandum of part Payment to be entered on the Record, such Party shall execute a Satisfaction Piece according to the Form No. 12. in the Schedule (A.) to this Act annexed (which Satisfaction Piece shall not be subject to any Stamp Duty); and such Satisfaction Piece shall be executed in the Presence of One Witness who shall attest by Affidavit the Execution of the same; and thereupon it shall be lawful for any Attorney of the said Court employed for that Purpose to require the proper Officer to enter Satisfaction or a Memorandum of part Payment on the Record of such Judgment; and such Officer shall, on having such Satisfaction Piece verified as aforesaid, and such Requisition lodged with him, enter such Satisfaction or a Memorandum of part Payment on the Record accordingly.

Court may order Satisfaction to be entered on Judgment fully paid. 16 & 17 Vict. c. 113. s. 144.

247. It shall be lawful for the Court or a Judge to order a Memorandum of Satisfaction to be entered upon the Record of any Judgment, Judgment Roll, or Judgment Book if it shall clearly appear to the said Court or Judge that the Debt or Damages for which the said Judgment was obtained have been fully satisfied and discharged.

Death, Marriage, and Bankruptcy.

And with respect to the Effect of Death, Marriage, and Bankruptcy upon the Proceedings in an Action, be it enacted as follows:

Action not to abate by Death. 15 & 16 Vict. c. 76. s. 135.

248. The Death of a Plaintiff or Defendant shall not cause the Action to abate, but it may be continued as herein-after mentioned.

Proceedings in case of Death of One or more of several

249. If there be Two or more Plaintiffs or Defendants, and One or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Action shall not be thereby abated, but such Death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs against the surviving Defendant or Defendants.

Plaintiffs or Defendants. 15 & 16 Vict. c. 76. s. 136.

Proceeding in case of Death of sole Plaintiff. 15 & 16 Vict. c. 76. s. 137.

250. In case of the Death of a sole Plaintiff or sole surviving Plaintiff, when the Action survives, the legal Representative of such Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, and the Action shall thereupon proceed; and if such Suggestion be made before the Trial, the Truth of the Suggestion shall be tried thereat, together with the Title of the deceased Plaintiff, and such Judgment shall follow upon the Verdict in favour of or against the Person making such Suggestion as if such Person were originally the Plaintiff.

Proceeding upon Death of sole or sole Surviving Defendant. 15 & 16 Vict. c. 76. s. 138.

251. In case of the Death of a sole Defendant or sole surviving Defendant, where the Action survives, the Plaintiff may make a Suggestion, either in any of the Pleadings if the Cause has not arrived at Issue, or in a Copy of the Issue if it has so arrived, of the Death, and that a Person named therein is the Executor or Administrator of the Deceased, and may thereupon serve such Executor or Administrator with a Copy of the Writ and Suggestion, and with a Notice, signed by the Plaintiff or his Attorney, requiring such Executor or Administrator to appear within Eight Days after Service of the Notice, inclusive of the Day of such Service, and that in default of his so doing the Plaintiff may sign Judgment against him as such Executor or Administrator; and the same Proceedings may be had and taken in case of Nonappearance after such Notice as upon a Writ against such Executor or Administrator in respect of the Cause for which the Action was brought; and in case no Pleadings have taken place before the Death, the Suggestion shall form Part of the Declaration, and the Declaration and Suggestion may be served together, and the new Defendant shall plead thereto at the same Time; and in case the Plaintiff shall have declared, but the Defendant shall not have pleaded before the Death, the new Defendant shall plead at the same Time to the Declaration and Suggestion; and in case the Defendant shall have pleaded before the Death, the new Defendant shall be at liberty to plead to the Suggestion only by way of Denial, or such Plea as may be appropriate to and rendered necessary by his Character of Executor or Administrator, unless by Leave of the Court or a Judge he should be permitted to plead fresh Matter in answer to the Declaration; and in case the Defendant shall have pleaded before the Death, but the Pleadings shall not have arrived at Issue, the new Defendant, besides pleading to the Suggestion, shall continue the Pleadings to Issue in the same Manner as the Deceased might have done, and the Pleadings upon the Declaration and the Pleadings upon the Suggestion shall be tried together; and in case the Plaintiff shall recover, he shall be entitled to the like Judgment in respect of the Debt or Sum sought to be recovered, and in respect of the Costs prior to the Suggestion, and in respect of the Costs of the Suggestion and subsequent thereto he shall be entitled to the like Judgment as in an Action originally commenced against the Executor or Administrator.

Death between Verdict and Judgment. 15 & 16 Vict. c. 76. s. 139.

252. The Death of either Party between the Verdict or Nonsuit and the Judgment shall not hereafter be alleged for Error, so as such Judgment be entered within Two Terms after such Verdict or Nonsuit.

Proceedings in case of Death after Interlocutory and before Final Judgment. 15 & 16 Vict. c. 76. s. 140.

253. If the Plaintiff in any Action happen to die after an Interlocutory Judgment and before a Final Judgment obtained therein, the said Action shall not abate by reason thereof, if such Action might be originally prosecuted or maintained by the Executor or Administrator of such Plaintiff; and if the Defendant die after such Interlocutory Judgment and before Final Judgment therein obtained the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executor or Administrator of such Defendant; and the Plaintiff, or if he be dead after such Interlocutory Judgment his Executors or Administrators, shall and may have a Writ of Revivor, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 11., or to the like Effect, against the Defendant if living after such Interlocutory Judgment, or if he be dead then against his Executors or Administrators, to show Cause why Damages in such Action should not be assessed and recovered by him or them; and if such Defendant, his Executors or Administrators, shall appear at the Return of such Writ, and not show or allege any Matter sufficient to arrest the Final Judgment, or shall make Default, a Writ of Inquiry of Damages shall be thereupon awarded, or the Amount for which Final Judgment is to be signed shall be referred to the Master as herein-before provided; and upon the Return of the Writ, or Delivery of the Order with the Amount endorsed thereon, to the Plaintiff, his Executors or Administrators, Final Judgment shall be given for the said Plaintiff, his Executors or Administrators, prosecuting such Writ of Revivor against such Defendant, his Executors or Administrators respectively.

To compel Continuance or Abandonment of Action in case of Death. 17 & 18 Vict. c. 125. s. 92.

254. Where an Action would but for the Provisions of this Act have abated by reason of the Death of either Party, and the Proceedings may be revived and continued under this Act, the Defendant or Person against whom the Action may be so continued may apply by Notice or otherwise to compel the Plaintiff or Person entitled to proceed with the Action in the Room of the Plaintiff to proceed according to the Provisions of this Act within such Time as the Court or Judge shall order; and in default of such Proceeding, the Defendant or other Person against whom the Action may be so continued as aforesaid shall be entitled to enter a Suggestion of such Default, and of the representative Character of the Person by or against whom the Action may be proceeded with, as the Case may be, and to have Judgment for the Costs of the Action and Suggestion against the Plaintiff or against the Person entitled to proceed in his Stead, as the Case may be, and in the latter Case to be levied off the Goods of the Testator or Intestate.

Marriage not to abate Action. 15 & 16 Vict. c. 76. s. 141.

255. The Marriage of a Woman, Plaintiff or Defendant, shall not cause the Action to abate, but the Action may notwithstanding be proceeded with to Judgment; and such Judgment may be executed against the Wife alone, or, by Suggestion or Writ of Revivor pursuant to this Act, Judgment may be obtained against the Husband and Wife, and Execution issue thereon; and in case of a Judgment for the Wife, Execution may be issued thereupon by the Authority of the Husband, without any Writ of Revivor or Suggestion; and if in any such Action the Wife shall sue or defend by Attorney appointed by her when sole, such Attorney shall have Authority to continue the Action or Defence, unless such Authority be countermanded by the Husband, and the Attorney changed according to the Practice of the Court.

Bankruptcy and Insolvency of Plaintiff, when not to abate Action. 15 & 16 Vict. c. 76. s. 142.

256. The Bankruptcy or Insolvency of the Plaintiff in any Action which the Assignees might maintain for the Benefit of the Creditors shall not be pleaded in bar to such Action, unless the Assignees shall decline to continue, and give Security for the Costs thereof upon an Order of the Court or Judge to be obtained for that Purpose, within such reasonable Time as the Court or Judge may order, but the Proceedings may be stayed until such Election is made; and in case the Assignees neglect or refuse to continue the Action, and give such Security within the Time limited by the Order, the Defendant may within Eight Days after such Neglect or Refusal plead the Bankruptcy or Insolvency.

Arrest of Judgment and Judgment Non obstante veredicto.

And with respect to the Proceedings upon Motions to arrest the Judgment, and for Judgment Non obstante veredicto, be it enacted as follows:

Upon Motion in Arrest of Judg-

257. No Judgment shall be arrested, nor shall Judgment be given Non obstante veredicto, by reason of the Nonaverment of any alleged material Fact or other Cause, unless the Party insisting on the

ment Non obstante veredicto, omitted Facts may, by Leave of the Court, be suggested.
15 & 16 Vict. c. 76. s. 143.
16 & 17 Vict. c. 113. s. 163.

the Objection shall satisfy the Court that there has been an Omission of some substantial Matter of Fact, whereby the said Party may have been prejudiced in the Merits of his Case; and in such Case the Party whose Pleading is alleged or adjudged to be therein defective may, by Leave of the Court, suggest the Existence of the omitted Fact or Facts or other Matter which, if true, would remedy the alleged Defect; and such Suggestion may be pleaded to by the opposite Party within Eight Days after Notice thereof, or such further Time as the Court or Judge may allow; and the Proceedings for Trial of any Issues joined upon such Pleadings shall be the same as in an ordinary Action.

Judgment to follow Result of Suggestion.
15 & 16 Vict. c. 76. s. 144.

258. If the Fact or Facts suggested be admitted or found to be true, the Party suggesting shall be entitled to such Judgment as he would have been entitled to if such Fact or Facts or Allegations had been originally stated in such Pleading and proved or admitted on the Trial, together with the Costs of and occasioned by the Suggestion and Proceedings thereon; but if such Fact or Facts be found untrue, the opposite Party shall be entitled to his Costs of and occasioned by the Suggestion and Proceedings thereon, in addition to any other Costs to which he may be entitled.

Costs of abortive Issues.
15 & 16 Vict. c. 76. s. 145.

259. Upon an Arrest of Judgment, or Judgment Non obstante veredicto, the Court shall adjudge to the Party against whom such Judgment is given the Costs occasioned by the Trial of any Issues of Fact arising out of the Pleading for Defect of which such Judgment is given, upon which such Party shall have succeeded; and such Costs shall be set off against any Money or Costs adjudged to the opposite Party, and Execution may issue for the Balance, if any.

Error and Appeal.

And with respect to Proceedings in Error and on Appeal, be it enacted as follows:

Error to be brought within Six Years.
15 & 16 Vict. c. 76. s. 146.

260. No Judgment in any Cause shall be reversed or avoided for any Error or Defect therein, unless Error be commenced or brought and prosecuted with Effect within Six Years after such Judgment signed or entered of Record.

Error may be brought by legal Representative of a deceased Party.
16 & 17 Vict. c. 113. s. 167.

261. If any Person is or shall be entitled to bring Error as Heir or personal Representative of any Party, Plaintiff or Defendant, such Person may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, which Suggestion shall be embodied in the Memorandum of Error herein-after mentioned, and shall not be traversable, but shall only be subject to be set aside on Application to the Court or a Judge, on

Motion, if untrue, and the like Proceedings in Error may thereupon be taken at the Suit of such legal Representative.

Proviso for Disabilities. 15 & 16 Vict. c. 76. s. 147.

262. If any Person that is or shall be entitled to bring Error as aforesaid is or shall be at the Time of such Title accrued within the Age of Twenty-one Years, Feme Covert, non compos mentis, or beyond the Seas, then such Person shall be at liberty to bring Error as aforesaid, so as such Person commences or brings and prosecutes the same with Effect within Six Years after coming to or being of full Age, Discovert, of sound Memory, or return from beyond the Seas; and if the opposite Party shall, at the Time of Judgment signed or entered of Record, be beyond the Seas, then Error may be brought, provided the Proceedings be commenced and prosecuted with Effect within Six Years after the Return of such Party from beyond the Seas.

Writ of Error not necessary. 15 & 16 Vict. c. 76. s. 148.

263. A Writ of Error shall not be necessary or used in any Cause, and the Proceedings to Error shall be a Step in the Cause, and shall be taken in manner herein-after mentioned.

Error in Law how brought. 15 & 16 Vict. c. 76. s. 149.

264. Either Party alleging Error in Law may deliver to the Master of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 13., or to the like Effect, entitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Law in the Record and Proceedings, whereupon the Master shall file such Memorandum, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note, together with a Statement of the Grounds of Error intended to be argued, may be served on the opposite Party or his Attorney.

Error not Supersedeas till Service of the Copy of the Note and Grounds of Error. 15 & 16 Vict. c. 76. s. 150.

265. Proceedings in Error in Law shall be deemed a Supersedeas of Execution from the Time of the Service of the Copy of such Note, together with the Statement of the Grounds of Error intended to be argued until Default in putting in Bail, or an Affirmance of the Judgment, or Discontinuance of the Proceedings in Error, or until the Proceedings in Error shall be otherwise disposed of without a Reversal of the Judgment: Provided always, that if the Grounds of Error shall appear to be frivolous, the Court or a Judge, upon Motion, may order Execution to issue.

Bail in Error. 15 & 16 Vict. c. 76. s. 151.

266. Upon any Judgment hereafter to be given in any of the said Superior Courts of Common Law in any Action, Execution shall not be stayed or delayed by Proceedings in Error, or Supersedeas thereupon, without the special Order of the Court or a Judge, unless the Person in whose Name such Proceedings in Error be brought, with Two or, by Leave of the Court or a Judge, more than Two sufficient Sureties, such as the Court (wherein such Judgment is or shall be given) or a Judge shall allow of, shall within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Party for whom any such Judgment is or shall be given, by Recognizance to be acknowledged in the same Court, in double the Sum adjudged to be recovered by the said Judgment (except in case of a Penalty, and in case of a Penalty in double the Sum really due, and double the Costs), to prosecute the Proceedings in Error with Effect, and also to satisfy and pay (if the said Judgment be affirmed, or the Proceedings in Error be discontinued by the Plaintiff therein), all and singular the Sum or Sums of Money and Costs adjudged or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the delaying of Execution, and shall give Notice thereof to the Defendant in Error, or his Attorney.

Suggestions instead of Assignment of and Joinder in Error. 15 & 16 Vict. c. 76. s. 152.

267. The Assignment of and Joinder in Error in Law shall not be necessary or used, and instead thereof a Suggestion to the Effect that Error is alleged by the one Party and denied by the other may be entered on the Judgment Roll in the Form contained in Schedule (A.) to this Act annexed, marked No. 14., or to the like Effect: Provided that in case the Defendant in Error intends to rely upon the Proceeding in Error being barred by Lapse of Time, or by Release of Error, or other like Matter of Fact, he may give Four Days written Notice to the Plaintiff in Error to assign Error as heretofore instead of entering the Suggestion; and he shall, within Eight Days, plead thereto the Bar by Lapse of Time, or Release of Error, or other like Matter of Fact; and thereupon such Proceedings may be had as heretofore.

Roll to be made up and Suggestion entered by Plaintiff in Error. 15 & 16 Vict. c. 76. s. 153.

268. The Roll shall be made up, and the Suggestion last aforesaid entered by the Plaintiff in Error within Ten Days after the Service of the Note of the Receipt of the Memorandum alleging Error, or within such other Time as the Court or a Judge may order; and in default thereof, or of Assignment of Error in Cases where an Assignment is required, the Defendant in Error, his Executors or Administrators, shall be at liberty to sign Judgment of Non pros.

Error brought by One of several Per-

269. In case Error be brought upon a Judgment given against several Persons, and One or some only shall proceed in Error, the Memorandum alleging Error and the Note of the Receipt of such

Memorandum, shall state the Names of the Persons by whom the Proceedings are taken; and in case the other Persons against whom Judgment has been given decline to join in the Proceedings in Error the same may be continued, and the Suggestion last aforesaid entered, stating the Persons by whom the Proceedings are brought without any Summons and Severance, or if such other Persons elect to join then the Suggestion shall state them to be and they shall be deemed as Plaintiffs in Error, although not mentioned as such in the previous Proceedings.

sons against whom Judgment has been given.
15 & 16 Vict. c. 76. s. 154.

270. Upon such Suggestion of Error alleged and denied being entered, the Cause may be set down for Argument in the Court of Error in the Manner heretofore used; and the Judgment Roll shall, without any Writ or Return, be brought by the Master into the Court of Error in the Exchequer Chamber, before the Justices, or Justices and Barons, as the Case may be, of the other Two Superior Courts of Common Law, on the Day of its sitting, at such Time as the Judges shall appoint, either in Term or in Vacation; and the Court of Error shall and may thereupon review the Proceedings, and give Judgment as they shall be advised thereon; and such Proceedings and Judgment, as altered or affirmed, shall be entered on the original Record; and such further Proceedings as may be necessary thereon shall be awarded by the Court in which the original Judgment was given; provided, however, that in case of Error to the High Court of Parliament a Transcript of the Record shall be prepared and forwarded in the Manner heretofore used.

Judgment Roll to be brought into Court instead of Transcript.
15 & 16 Vict. c. 76. s. 155.

271. Courts of Error shall have Power to quash the Proceedings in Error in all Cases in which Error does not lie, or where they are taken against good Faith, or in any Case in which Proceedings in Error might heretofore have been quashed by such Courts; and such Courts shall in all respects have such Jurisdiction over the Proceedings as over the Proceedings in Error commenced by Writ of Error, and shall have Authority to make an Order for Payment of Interest for Delay of Execution, whether the Judgment of the Court from which Error is brought be affirmed or reversed.

Jurisdiction of Courts of Error over the Proceedings.
15 & 16 Vict. c. 76. s. 156.

272. Courts of Error shall in all Cases have Power to give such Judgment and award such Process as the Court from which Error is brought ought to have done, without regard to the Party alleging Error.

Court of Error to have like Powers with Court below.
15 & 16 Vict. c. 76. s. 157.

273. Either Party alleging Error in Fact may deliver to the Master of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed marked No. 15., or

Proceedings in Error in Fact.
15 & 16 Vict c. 76. s. 158.

to the like Effect, entitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Fact in the Proceedings, together with an Affidavit of the Matter of Fact in which the alleged Error consists; whereupon the Master shall file such Memorandum and Affidavit, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note and Affidavit may be served on the opposite Party or his Attorney, and such Service shall have the same Effect, and the same Proceedings may be had thereafter, as prior to the Commencement of the "Common Law Procedure Amendment Act (Ireland), 1853," were had after the Service of the Rule for Allowance of a Writ of Error in Fact.

Plaintiff may discontinue Proceedings in Error.
15 & 16 Vict. c. 76. s. 159.

274. The Plaintiff in Error, whether in Fact or Law, shall be at liberty to discontinue his Proceedings by giving to the Defendant in Error a Notice headed in the Court and Cause, and signed by the Plaintiff in Error or his Attorney, stating that he discontinues such Proceedings, and thereupon the Defendant in Error may sign Judgment for the Costs of and occasioned by the Proceedings in Error, and may proceed upon the Judgment on which the Error was brought.

Defendant may confess Error, and consent to Reversal of Judgment.
15 & 16 Vict. c. 76. s. 160.

275. The Defendant in Error, whether in Fact or Law, shall be at liberty to confess Error, and consent to the Reversal of the Judgment, by giving to the Plaintiff in Error a Notice, headed in the Court and Cause, and signed by the Defendant in Error or his Attorney, stating that he confesses the Error, and consents to the Reversal of the Judgment, and thereupon the Plaintiff in Error shall be entitled to and may forthwith sign a Judgment of Reversal.

Death of Plaintiff in Error no Abatement.
15 & 16 Vict. c. 76. s. 161.

276. The Death of a Plaintiff in Error after Service of the Note of the Receipt of the Memorandum alleging Error, with a Statement of the Grounds of Error, shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Providing for Death of One of several Plaintiffs in Error.
15 & 16 Vict. c. 76. s. 162.

277. In case of the Death of One of several Plaintiffs in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may thereupon be continued at the Suit of and against the surviving Plaintiff in Error as if he were the sole Plaintiff.

Proceedings upon Death of sole Plain-

278. In case of the Death of a sole Plaintiff or of several Plaintiffs in Error, the legal Representative of such Plaintiff or of the surviving Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may thereupon be continued at the Suit of and against such legal Representative as the Plaintiff in Error; and if no such Suggestion shall be made the Defendant in Error may proceed to an Affirmance of the Judgment according to the Practice of the Court, or take such other Proceedings thereupon as he may be entitled to.

tiff or of all the Plaintiffs in Error.
15 & 16 Vict. c. 76. s. 163.

279. The Death of a Defendant in Error shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Death of Defendant in Error no Abatement.
15 & 16 Vict. c. 76. s. 164.

280. In case of the Death of One of several Defendants in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Proceedings may be continued against the surviving Defendant.

Proceedings upon Death of One of several Defendants in Error.
15 & 16 Vict. c. 76. s. 165.

281. In case of the Death of a sole Defendant, or of all the Defendants in Error the Plaintiff in Error may proceed upon giving Ten Days Notice of the Proceedings in Error, and of his Intention to continue the same, to the Representatives of the deceased Defendants, or if no such Notice can be given, then, by Leave of the Court or a Judge, upon giving such Notice to the Parties interested as he or they may direct.

Proceedings upon Death of sole Defendant or of all the Defendants in Error.
15 & 16 Vict. c. 76. s. 166.

282. The Marriage of a Woman, Plaintiff or Defendant in Error, shall not abate the Proceedings in Error, but the same may be continued in like Manner as herein-before provided with reference to the Continuance of an Action after Marriage.

Marriage not to abate Proceedings in Error.
15 & 16 Vict. c. 76. s. 167.

283. In every Rule Nisi for a new Trial or to enter a Verdict or Nonsuit, the Grounds upon which such Rule shall have been granted shall be shortly stated therein.

Grounds to be stated in Rule Nisi for new Trial.
17 & 18 Vict. c. 125. s. 33.

284. In all Cases of Rules to enter a Verdict or Nonsuit upon a Point reserved at the Trial, if the Rule to show Cause be refused or granted, and then discharged or made absolute, the Party decided against may appeal.

If Rule Nisi refused, Party may appeal.
17 & 18 Vict. c. 125. s. 34.

285. In all Cases of Motions for a new Trial upon the Ground that the Judge has not ruled according to Law, if the Rule to show Cause be refused, or if granted be then discharged or made absolute,

Appeal upon Rule discharged or absolute.

17 & 18 Vict. c. 125. s. 35.

the Party decided against may appeal, provided any One of the Judges dissent from the Rule being refused, or, when granted, being discharged or made absolute, as the Case may be, or provided the Court in its Discretion think fit that an Appeal should be allowed; provided that where the Application for a new Trial is upon Matter of Discretion only, as on the Ground that the Verdict was against the Weight of Evidence or otherwise, no such Appeal shall be allowed.

Courts of Error to be Courts of Appeal.
17 & 18 Vict. c. 125. s. 36.

286. The Court of Exchequer Chamber and the House of Lords shall be Courts of Appeal for the Purposes of this Act.

Notice of Appeal.
17 & 18 Vict. c. 125. s. 37.

287. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to the Master of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge.

Bail.
17 & 18 Vict. c. 125. s. 38.

288. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum recovered and Costs, or to pay Costs where the Appellant was Plaintiff below, be given in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff.

Form of Appeal.
17 & 18 Vict. c. 125. s. 39.

289. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties (and in case of Difference to be settled by the Court or a Judge of the Court appealed from), in which Case shall be set forth so much of the Pleadings, Evidence, and the Ruling or Judgment objected to, as may be necessary to raise the Question for the Decision of the Court of Appeal.

Rule Nisi granted on Appeal, how disposed of.
17 & 18 Vict. c. 125. s. 40.

290. When the Appeal is from the Refusal of the Court below to grant a Rule to show Cause, and the Court of Appeal grant such Rule, such Rule shall be argued and disposed of in the Court of Appeal.

Judgment of Court of Appeal.
17 & 18 Vict. c. 125. s. 41.

291. The Court of Appeal shall give such Judgment as ought to have been given in the Court below, and shall have Power to remit the Cause with such Directions as they shall think proper; and all such further Proceedings may be taken thereupon as if the Judgment had been given by the Court in which the Record originated.

Powers of Court of Appeal as to Costs and otherwise.
17 & 18 Vict. c. 125. s. 42.

292. The Court of Appeal shall have Power to adjudge Payment of Costs and to order Restitution, and they shall have the same Powers as the Court of Error in respect of awarding Process and otherwise.

293. Upon

Error upon Award of Trial de novo. 17 & 18 Vict. c. 125. s. 43.

293. Upon an Award of a Trial de novo by any One of the Superior Courts, or by the Court of Error, upon Matter appearing upon the Record, Error may at once be brought, and if the Judgment in such or any other Case be affirmed in Error, it shall be lawful for the Court of Error to adjudge Costs to the Defendant in Error.

Payment of Costs upon new Trial on Matter of Fact. 17 & 18 Vict. c. 125. s. 43.

294. When a new Trial is granted on the Ground that the Verdict was against Evidence, the Costs of the First Trial shall abide the Event, unless the Court shall otherwise order.

Interpleader.

And with respect to Interpleader, be it enacted as follows:

Interpleader may be granted, though Titles have not a common Origin. 23 & 24 Vict. c. 126. s. 12

295. Where an Action has been commenced in respect of a Common Law Claim for the Recovery of Money or Goods, or where Goods or Chattels have been taken or are intended to be taken in Execution under Process issued from any One of the Superior Courts, and the Defendant in such Action, or the Sheriff or other Officer, has applied for Relief under the Provisions of an Act made and passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "An "Act to enable Courts of Law to give Relief against adverse "Claims made upon Persons having no Interest in the Subject of "such Claims," it shall be lawful for the Court or a Judge to whom such Application is made to exercise all the Powers and Authorities given to them by this Act in Cases of Interpleader, and the herein-before mentioned Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, though the Titles of the Claimants to the Money, Goods, or Chattels in question, or to the Proceeds or Value thereof, have not a common Origin, but are adverse to and independent of one another.

Court or Judge may direct Sale of Goods seized in Execution. 23 & 24 Vict. c. 126. s. 13.

296. When Goods or Chattels have been seized in Execution by a Sheriff or other Officer under Process of the above-mentioned Courts, and some Third Person claims to be entitled under a Bill of Sale or otherwise to such Goods or Chattels by way of Security for a Debt, the Court or a Judge may order a Sale of the whole or Part thereof, upon such Terms as to Payment of the whole or Part of the secured Debt or otherwise as they or he shall think fit, and may direct the Application of the Proceeds of such Sale in such Manner and upon such Terms as to such Court or Judge may seem just.

Power to Court or Judge to

297. Upon the hearing of any Rule or Order calling upon Persons to appear and state the Nature and Particulars of their

decide summarily in certain Cases.
23 & 24 Vict. c. 126. s. 14.

Claims, it shall be lawful for the Court or Judge, wherever from the Smallness of the Amount in dispute, or of the Value of the Goods seized, it shall appear to them or him desirable and right so to do, at the Request of either Party, to dispose of the Merits of the respective Claims of such Parties, and to determine the same in a summary Manner, upon such Terms as they or he shall think fit to impose, and to make such other Rules and Orders therein, as to Costs and all other Matters, as may be just.

Special Case may be stated where Facts undisputed.
23 & 24 Vict. c. 126. ss. 15, 16.

298. In all Cases of Interpleader Proceedings, where the Question is one of Law, and the Facts are not in dispute, the Court or Judge shall be at liberty, at their or his Discretion, to decide the Question without directing an Action or Issue, and, if they or he shall think it desirable, to order that a special Case be stated for the Opinion of the Court, and Error may be brought upon a Judgment on such Case, and the Provisions of this Act relating to Proceedings upon special Cases, and the bringing of Error thereon, shall extend to the Proceedings upon such special Case, and to the bringing of Error thereon.

Judgment and Decision when to be final.
23 & 24 Vict. c. 126. s. 17.

299. The Judgment in any such Action or Issue as may be directed by the Court or a Judge in any Interpleader Proceedings, and the Decision of the Court or Judge in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them.

General Provisions to apply to Interpleader.

300. The Provisions of this Act relating to Inspection, Discovery, Appeal, and otherwise shall extend to Interpleader Proceedings, mutatis mutandis, unless where the same shall not be applicable, or where otherwise specially provided by this Act; and the Court or Judge may, in relation to the Service of any Rule or Order, exercise such or the like Powers as are contained in the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of this Act in relation to the Service of Writs in personal Actions.

Rules, Orders, &c. made in Interpleader Proceedings may be entered of Record and made Evidence.
23 & 24 Vict. c. 126. s. 18.

301. All Rules, Orders, Matters, and Decisions to be made and done in Interpleader Proceedings under this Act may, together with the Declaration in the Cause, if any, be entered of Record, with a Note in the Margin expressing the true Date of such Entry, to the end that the same may be Evidence in future Times, if required, and to secure and enforce the Payment of Costs directed by any such Rule or Order; and every such Rule or Order so entered shall have the Force and Effect of a Judgment in the Superior Courts of Common Law.

And

Summary Procedure upon Bills of Exchange and Promissory Notes.

And with respect to summary Procedure upon Bills of Exchange and Promissory Notes, be it enacted as follows:

Actions upon Bills of Exchange, &c. may in certain Cases be commenced by Writ of Summons as Form in Schedule (A.) Plaintiff, on filing Affidavit of personal Service, may at once sign Final Judgment as Form in Schedule (A.) 18 & 19 Vict. c. 67. s. 1.

302. All Actions upon Bills of Exchange or Promissory Notes commenced within Six Months after the same shall have become due and payable may be by Writ of Summons in the special Form contained in Schedule (A.) No. 16. to this Act annexed, and endorsed as therein mentioned; and it shall be lawful for the Plaintiff, on filing an Affidavit of personal Service of such Writ within the Jurisdiction of the Court, or an Order for Leave to proceed, as hereinbefore provided, or, in the Case of Service substituted under the Provisions of this Act, the Order directing such Substitution of Service, and an Affidavit and such Documents as may be necessary for the Purpose of showing that the Directions of such Order have been complied with, and a Copy of the Writ of Summons and the Endorsements thereon, in case the Defendant shall not have obtained Leave to appear, and have appeared to such Writ according to the Exigency thereof, at once to sign Final Judgment, in the Form in Schedule (A.) No. 17. to this Act annexed (on which Judgment no Proceeding in Error shall lie), for any Sum not exceeding the Sum endorsed on the Writ, together with Interest, at the Rate specified (if any), to the Date of the Judgment, and a Sum for Costs to be fixed by a General Order to be made as herein-after mentioned, unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way, and the Plaintiff may upon such Judgment issue Execution forthwith.

Defendant showing a Defence upon the Merits to have Leave to appear. 18 & 19 Vict. c. 67. s. 2.

303. The Court into which such Writ shall be returnable, or a Judge, shall, upon Application within the Period of Twelve Days from such Service, give Leave to appear to such Writ, and to defend the Action, on the Defendant paying into Court the Sum endorsed on the Writ, or upon Affidavits satisfactory to the Court or Judge, which disclose a legal or equitable Defence, or such Facts as would make it incumbent on the Holder to prove Consideration, or such other Facts as the Court or Judge may deem sufficient to support the Application, and on such Terms as to Security or otherwise as to the Court or Judge may seem fit.

Judge may, under special Circumstances, set aside Judgment. 18 & 19 Vict. c. 67. s. 3.

304. After Judgment the Court or a Judge may, under special Circumstances, set aside the Judgment, and, if necessary, stay or set aside the Execution, and may give Leave to appear to the Writ, and to defend the Action, if it shall appear to be reasonable to the Court or Judge so to do, and on such Terms as to the Court or Judge may seem just.

Judge may order Bill to be deposited

305. In all Cases of summary Procedure on Bills of Exchange and Promissory Notes under this Act, it shall be competent to the with Officer of Court in certain Cases. 18 & 19 Vict. c. 67. s. 4.

Court or a Judge to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all Proceedings shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Remedy for the Recovery Expenses of of noting Non-acceptance of dishonoured Bill. 18 & 19 Vict. c. 67. s. 5.

306. The Holder of every dishonoured Bill of Exchange or Promissory Note shall have the same Remedies for the Recovery of the Expenses incurred in noting the same for Non-acceptance or Nonpayment, or otherwise, by reason of such Dishonour, as he has under this Act for the Recovery of the Amount of such Bill or Note.

Holder of Bill of Exchange may issue One Summons against all or any of the Parties to the Bill. 18 & 19 Vict. c. 67. s. 6.

307. The Holder of any Bill of Exchange or Promissory Note may, if he think fit, issue One Writ of Summons according to this Act, against all or any Number of the Parties to such Bill or Note, and such Writ of Summons shall be the Commencement of an Action or Actions against the Parties therein named respectively, and all subsequent Proceedings against such respective Parties shall be in like Manner, so far as may be, as if separate Writs of Summons had been issued.

Ejectment.

And with respect to the Action of Ejectment, be it enacted as follows:

Ejectment to be commenced by Writ of Summons. 16 & 17 Vict. c. 113. s. 194.

308. Where any Party shall claim Possession of any Lands, Tenements, or Hereditaments, and shall be desirous of proceeding by Ejectment for the Recovery of the same in any of the said Superior Courts of Common Law, such Party shall commence any Action for such Purpose by a Writ of Summons, which Writ shall be directed to the immediate Tenant or any One Tenant in possession, as Defendant, with the Addition of the Words "and all Persons concerned," and shall contain the Description of the Property sought to be recovered with reasonable Certainty, and the County and the Barony or Parish in which the same is situated.

Form and Duration of Writ of Ejectment. 15 & 16 Vict. c. 76. s. 169

309. The Writ shall state the Names of all the Persons in whom the Title is alleged to be, and command the Persons to whom it is directed to appear within Sixteen Days after Service thereof in the Court into which it is returnable, to defend the Possession of the Property sued for, or such Part thereof as they may think fit, and it shall contain a Notice that in default of Appearance they will be turned out of possession; and the Writ shall bear Teste of the Day on which it is issued, and shall be in force for *Three Months*, and shall be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 18., or to the like Effect; and in Cases of Ejectment on the Title the Writ shall be endorsed with the

Particulars of the Sum (if any) claimed as Damages for the Loss of the mesne Rates and Profits of the Lands sought to be recovered; and in Cases of Ejectment for Nonpayment of Rent such Writ shall be endorsed with full Particulars of the Rent due and of all Credits to which the Defendant shall be justly entitled; and the Name and Abode of the Attorney issuing the same, or, if no Attorney, the Name and Residence of the Party shall be endorsed thereon, in like Manner as herein-before enacted with reference to the Endorsements on a Writ of Summons in a personal Action; and the same Proceedings may be had to ascertain whether the Writ was issued by the Authority of the Attorney whose Name was endorsed thereon, and who and what the Claimaints are, and their Abode, and as to staying the Proceedings upon Writs issued without Authority, as in the Case of Writs in personal Actions, and the Provisions of the Third Section of this Act in relation to the Rotation of Writs shall be deemed to apply to and include Writs of Summons in Ejectment.

Writ in Ejectment for Nonpayment of Rent, upon whom to be served.

310. The Writ of Summons in Ejectment for Nonpayment of Rent shall be served on the Tenant sought to be evicted, and on every Person in possession or in receipt of the Rents and Profits of the Land sought to be recovered, or any Part thereof, and also on any Mortgagee of such Lands, whose Mortgage shall have been registered within *Six Calendar Months* from the Perfection thereof, and also on the Assignee of any such Mortgagee whose Assignment shall have been in like Manner registered, or upon such Person or Persons as shall be directed by General Orders to be made in the Manner herein-after provided.

Service of Writ of Ejectment.
15 & 16 Vict. c. 76. s. 170.

311. The Writ shall be served in the same Manner as an Ejectment has heretofore been served, or in such Manner as shall be directed by General Orders to be made in the Manner herein-after provided; and in case of vacant Possession the Writ may be served by posting a Copy thereof upon the Door of the Dwelling House or other conspicuous Part of the Property; and the Court or Judge may, in relation to the Service of such Writ, exercise such or the like Powers as are contained in the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of this Act, in relation to the Service of Writs in personal Actions.

Appearance of Persons named in the Writ.
15 & 16 Vict. c. 76. s. 171.

312. The Persons named as Defendants in such Writ, or any of them, shall be allowed to appear within the Time appointed.

Appearance of Persons not named.

313. Any other Person not named in such Writ shall, by Leave of the Court or a Judge, be allowed to appear and defend, on filing an

15 & 16 Vict. c. 76. s. 172.

an Affidavit showing that he is in possession of the Land either by himself or his Tenant.

Appearance and Defence by Landlord. 15 & 16 Vict. c. 76. s. 173.

314. Any Person appearing to defend as Landlord in respect of Property whereof he is in possession only by his Tenant shall state in his Appearance that he appears as Landlord; and such Person shall be at liberty to set up any Defence which a Landlord appearing in an Action of Ejectment has heretofore been allowed to set up, and no other.

Notice to defend for Part only. 15 & 16 Vict. c. 76. s. 174.

315. Any Person appearing to such Writ shall be at liberty to limit his Defence to a Part only of the Property mentioned in the Writ, describing that Part with reasonable Certainty in a Notice intituled in the Court and Cause, and signed by the Party appearing or his Attorney; such Notice to be served within Four Days after Appearance upon the Attorney whose Name is endorsed on the Writ, if any, and if none, then to be filed in the Master's Office; and an Appearance without such Notice confining the Defence to Part shall be deemed an Appearance to defend for the whole; but a Defence to an Ejectment for Nonpayment of Rent shall be a Defence for all the Lands in the Writ of Summons mentioned, and in case a Defendant shall desire to take Defence for Part only of the Lands, upon the Ground that such Part was not included in the Estate or Interest sought to be evicted, he shall make a special Application to the Court for that Purpose.

Want of Certainty cured by Particulars. 15 & 16 Vict. c. 76. s. 175.

316. Want of "reasonable Certainty" in the Description of the Property, or Part of it, in the Writ or Notice, shall not nullify them, but shall only be Ground for an Application to the Court or a Judge for better Particulars of the Land claimed or defended, which the Court or a Judge shall have Power to give in all Cases.

Defence by Persons not in possession. 15 & 16 Vict. c. 76. s. 176.

317. The Court or a Judge shall have Power to strike out or confine Appearances and Defences set up by Persons not in possession by themselves or their Tenants.

Judgment for Default of Appearance or Defence. 15 & 16 Vict. c. 76. s. 177.

318. In case no Appearance shall be entered within the Time appointed, or if an Appearance be entered, but the Defence be limited to Part only, the Plaintiffs shall be at liberty to sign a Judgment that the Person whose Title is asserted in the Writ shall recover Possession of the Land, or of the Part thereof to which the Defence does not apply; which Judgment, if for all, may be in the Form contained in the Schedule (A.) to this Act annexed marked No. 19., or to the like Effect, and if for Part may be in the Form contained in the Schedule (A.) to this Act annexed marked No. 20., or to the like Effect.

319. In case an Appearance shall be entered, an Issue may at once be made up, without any Pleadings, by the Claimants or their Attorney, setting forth the Writ, and stating the Fact of the Appearance, with its Date, and the Notice limiting the Defence, if any, of each of the Persons appearing, so that it may appear for what Defence is made, and directing the Sheriff to summon a Jury; and such Issue, in case Defence is made for the whole, may be in the Form contained in Schedule (A.) to this Act annexed marked No. 21., or to the like Effect, and in case Defence is made for Part, may be in the Form contained in the Schedule (A.) to this Act annexed marked No. 20., or to the like Effect.

Issue how made up.
15 & 16 Vict. c. 76. s. 178.

320. By Consent of the Parties, and by Leave of the Court or a Judge, a Special Case may be stated according to the Practice heretofore prescribed in reference to personal Actions.

Special Case may be stated.
15 & 16 Vict. c. 76. s. 179.

321. The Claimants may if no Special Case be agreed to, proceed to Trial upon the Issue in the same Manner as in other Actions; and the Particulars of the Claim and Defence, if any, or Copies thereof, shall be annexed to the Record by the Claimants; and the Question at the Trial shall, except in the Cases herein-after mentioned, be whether the Statement in the Writ of the Title of the Claimants is true or false, and if true then which of the Claimants is entitled, and whether to the whole or Part, and if to Part, then to which Part of the Property in question, and whether to any, and if any to what Damages, by way of Compensation, for Loss of mesne Rates and Profits; and upon the Trial of an Ejectment for Nonpayment of Rent the Amount of the Rent due to the Claimant shall be found by the Jury, and the Entry of the Verdict may be made in the Form contained in the Schedule (A.) to this Act annexed marked No. 22., or to the like Effect, with such Modifications as may be necessary to meet the Facts.

Trial of Issue.
15 & 16 Vict. c. 76. s. 180.

16 & 17 Vict. c. 113. s. 202.

322. In case the Title of the Claimant shall appear to have existed as alleged in the Writ, and at the Time of Service thereof, but it shall also appear to have expired before the Time of Trial, the Claimant shall, notwithstanding, be entitled to a Verdict according to the Fact that he was so entitled at the Time of bringing the Action and serving the Writ, and to a Judgment for his Costs of Suit.

Verdict when Title appears to have expired before Trial.
15 & 16 Vict. c. 76. s. 181.

323. The Court or a Judge may on the Application of either Party order that the Trial shall take place in any County or Place other than that in which the Venue is laid; and such Order being suggested on the Record the Trial may be had accordingly.

Trial may be ordered to take place in any County.
15 & 16 Vict. c. 76. s. 182.

Nonappearance at Trial.
15 & 16 Vict. c. 76. s. 183.

324. If the Defendant appears and the Claimant does not appear at the Trial, the Claimant shall be nonsuited; and if the Claimant appears and the Defendant does not appear the Claimant shall be entitled to recover as heretofore, without any Proof of his Title; and in case of Ejectment on the Title shall be entitled to prove the Amount of Damages sustained by reason of the Loss of the mesne Rates and Profits, and in case of an Ejectment for Nonpayment of Rent, shall be entitled to prove the Amount of Rent actually due, and to have a Verdict for the same with Judgment for his Costs of Suit.

Mesne Rates may be recovered by Ejectment to the Day of Trial.
23 & 24 Vict. c. 154. s. 77.

325. In all such Ejectments as herein-after mentioned the Jury shall be at liberty to give Compensation for the Loss of Mesne Rates and Profits; in Ejectments on the Title in which Mesne Rates are claimed, from the Commencement of the Action, and in Ejectments for Nonpayment of Rent, from the Day up to which the Rent claimed by the Ejectment accrued due, and in both Cases down to the Day of Trial.

Ascertainment of Rent.
16 & 17 Vict. c. 113. s. 206.

326. In Ejectment for Nonpayment of Rent, where Judgment shall have gone by Default, or the Defendant shall not appear at the Trial, it shall be sufficient for the Purpose of ascertaining the Amount of the Rent due, and to satisfy the Provisions of the Statutes with respect to ascertaining the Rent, that an Affidavit be made by the Plaintiffs, or One of them, or their or his Agent, to the Effect that an Amount of Rent not less than One Year's Rent, and specifying the same, was due at the Time of the Commencement of the Action after all just Allowances.

Special Verdict and Bill of Exceptions.
15 & 16 Vict. c. 76. s. 184.

327. The Jury may find a special Verdict, or either Party may tender a Bill of Exceptions.

Judgment and Execution upon Finding for Claimant.
16 & 17 Vict. c. 113. s. 207.

328. Upon a Finding for the Claimant Judgment may be signed and Execution issued for the Recovery of Possession of the Property or such Part thereof as the Jury shall find the Claimant entitled to and in case of Ejectment on the Title for such Damages for Loss of mesne Rates and Profits as shall be found by the said Jury, and in case of Ejectment for Nonpayment of Rent for Recovery of so much Rent as shall be found to be due, and Costs, within such Time, not exceeding the Fifth Day in Term after the Verdict, as the Court or Judge before whom the Cause is tried shall order, and if no such Order be made then on the Fifth Day in Term after the Verdict, or within Fourteen Days after such Verdict, whichever first shall happen.

329. Upon a Finding for the Defendants, or any of them, or upon a Nonsuit, Judgment may be signed and Execution issued for Costs against the Claimants named in the Writ, within such Time, not exceeding the Fifth Day in Term after the Verdict or Nonsuit, as the Court or Judge before whom the Cause is tried shall order; and if no such Order be made then on the Fifth Day in Term after the Verdict or Nonsuit, or within Fourteen Days after such Verdict or Nonsuit, whichever shall first happen.

Judgment upon Finding for Defendant.
15 & 16 Vict. c. 76. s. 186.

330. Upon any Judgment in Ejectment there may be either One or separate Writs of Execution for the Recovery of the Possession and for the Damages or the Rent ascertained to be due, and Costs, at the Election of the Claimant.

Execution for Recovery of Possession and Costs may be joint and separate.
16 & 17 Vict. c. 113. s. 209.

331. In case of such an Action being brought by some or One of several Persons entitled as Joint Tenants, Tenants in Common, or Coparceners, any Joint Tenant, Tenant in Common, or Coparcener in possession may, at the Time of Appearance, or within Four Days after, give Notice, in the same Form as in the Notice of a limited Defence, that he or she defends as such and admits the Right of the Claimant to an undivided Share of the Property (stating what Share), but denies any actual Ouster of him from the Property, and may within the same Time file an Affidavit stating with reasonable Certainty that he or she is such Joint Tenant, Tenant in Common, or Coparcener, and the Share of such Property to which he or she is entitled, and that he or she has not ousted the Claimant; and such Notice shall be entered in the Issue in the same Manner as the Notice limiting the Defence, and upon the Trial of such an Issue the additional Question of whether an actual Ouster has taken place shall be tried.

Defence by Joint Tenants, Tenants in Common, Coparceners.
15 & 16 Vict. c. 76. s. 188.

332. Upon the Trial of such Issue as last aforesaid, if it shall be found that the Defendant is Joint Tenant, Tenant in Common, or Coparcener with the Claimant, then the Question whether an actual Ouster has taken place shall be tried, and unless such actual Ouster shall be proved the Defendant shall be entitled to Judgment and Costs; but if it shall be found either that the Defendant is not such Joint Tenant, Tenant in Common, or Coparcener, or that an Ouster has taken place, then the Claimant shall be entitled to such Judgment for the Recovery of Possession and Costs.

Trial and Judgment in Ejectment against Joint Tenants, Tenants in Common, and Coparceners.
15 & 16 Vict. c. 76. s. 189.

333. If any Person shall bring an Action of Ejectment, after a prior Action of Ejectment for the same Premises has been or shall have been unsuccessfully brought by such Person, or by any Person through or under whom he claims, against the same Defendant, or against

Claimant in Second Ejectment for same Premises against same

Defendant may be ordered to give Security for Costs. 17 & 18 Vict. c. 125. s. 93.

against any Person through or under whom he defends, the Court or a Judge may, if they or he think fit, on the Application of the Defendant at any Time after such Defendant has appeared to the Writ, order that the Plaintiff shall give to the Defendant Security for the Payment of the Defendant's Costs, and that all further Proceedings in the Cause shall be stayed until such Security be given, whether the prior Action has been or shall have been disposed of by Discontinuance, or by Nonsuit, or by Judgment for the Defendant.

Action not to abate by Death. 15 & 16 Vict. c. 76. s. 190.

334. The Death of a Claimant or Defendant shall not cause the Action to abate, but it may be continued as herein-after mentioned.

Proceeding upon Death before Trial where Right survives. 15 & 16 Vict. c. 76. s. 191.

335. In case the Right of the deceased Claimant shall survive to another Claimant, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant; and if such a Suggestion shall be made before the Trial, then the Claimant shall have a Verdict and recover such Judgment as aforesaid, upon its appearing that he was entitled to bring the Action either separately or jointly with the deceased Claimant.

Proceedings upon Death before Trial where Right does not survive. 15 & 16 Vict. c. 76. s. 192.

336. In case of the Death before Trial of One of several Claimants whose Right does not survive to another or others of the Claimants, where the legal Representative of the deceased Claimant shall not become a Party to the Suit in the Manner herein-after mentioned, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant for such Share of the Property as he is entitled to and Costs.

Proceeding upon Death of One of several Claimants having obtained a Verdict. 15 & 16 Vict. c. 76. s. 193.

337. In case of a Verdict for Two or more Claimants, if One of such Claimants die before Execution executed, the other Claimant may, whether the legal Right to the Property shall survive or not, suggest the Death in manner aforesaid, and proceed to Judgment and Execution for Recovery of Possession of the Entirety of the Property and the Costs; but nothing herein contained shall affect the Right of the legal Representative of the deceased Claimant or the Liability of the surviving Claimant to such legal Representative; and the Entry and Possession of such surviving Claimant under such Execution shall be considered as an Entry and Possession on behalf of such legal Representative in respect of the Share of the Property to which he shall be entitled as such Representative, and the Court may direct Possession to be delivered accordingly.

338. In case of the Death of a sole Claimant, or before Trial, of One of several Claimants whose Right does not survive to another or others of the Claimants, the legal Representative of such Claimant may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, and the Action shall thereupon proceed; and if such Suggestion be made before the Trial the Truth of the Suggestion shall be tried thereat, together with the Title of the deceased Claimant, and such Judgment shall follow upon the Verdict in favour of or against the Person making such Suggestion as herein-before provided with reference to a Judgment for or against such Claimant; and in case such Suggestion in the Case of a sole Claimant be made after Trial and before Execution, executed by Delivery of Possession thereupon, and such Suggestion be denied by the Defendant within Eight Days after Notice thereof, or such further Time as the Court or a Judge may allow, then such Suggestion shall be tried; and if upon the Trial thereof a Verdict shall pass for the Person making such Suggestion, he shall be entitled to such Judgment as aforesaid for the Recovery of Possession, and for the Costs of and occasioned by such Suggestion; and in case of a Verdict for the Defendant such Defendant shall be entitled to such Judgment as aforesaid for Costs; and in case the said Suggestion shall not be denied within the Time aforesaid the said personal Representative, on producing an Affidavit of the Service of the Notice, shall be entitled to proceed to Judgment and Execution in his own Name.

Proceedings in case of Death of Claimant where Right does not survive.
15 & 16 Vict. c. 76. s. 194.

339. In case of the Death, before or after Judgment, of One of several Defendants in Ejectment who defend jointly, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Action may proceed against the surviving Defendant to Judgment and Execution.

Proceedings upon Death of One of several joint Defendants.
15 & 16 Vict. c. 76. s. 195.

340. In case of the Death of a sole Defendant, or of all the Defendants in Ejectment, before Trial, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue; and the Claimants shall be entitled to Judgment for Recovery of Possession of the Property, unless some other Person shall appear and defend within the Time to be appointed for that Purpose by the Order of the Court or a Judge, to be made upon the Application of the Claimants; and it shall be lawful for the Court or a Judge, upon such Suggestion being made and upon such Application as aforesaid, to order that the Claimants shall be at liberty to sign Judgment within such Time as the Court or Judge may think fit, unless the Person then

Upon Death of all the Defendants in Ejectment before Trial.
15 & 16 Vict. c. 76. s. 196.

in possession, by himself or his Tenant, or the legal Representative of the deceased Defendant, shall within such Time appear and defend the Action; and such Order may be served in the same Manner as the Writ; and in case such Person shall appear and defend the same, Proceedings may be taken against such new Defendant as if he had originally appeared and defended the Action; and if no Appearance be entered and Defence made, then the Claimant shall be at liberty to sign Judgment pursuant to the Order.

Upon Death of all Defendants in Ejectment after Verdict.
15 & 16 Vict. c. 76. s. 197.

341. In case of the Death of a sole Defendant or of all the Defendants in Ejectment after Verdict, the Claimants shall nevertheless be entitled to Judgment as if no such Death had taken place, and to proceed by Execution for Recovery of Possession without Suggestion or Revivor, and to proceed for the Recovery of the Costs, in like Manner as upon any other Judgment for Money, against the legal Representatives of the deceased Defendant or Defendants.

Upon Death before Trial of Defendant in Ejectment, who defends separately for Part.
15 & 16 Vict. c. 76. s. 198.

342. In case of the Death before Trial of One of several Defendants in Ejectment who defends separately for a Portion of the Property for which the other Defendant or Defendants do not defend, the same Proceedings may be taken as to such Portion as in the Case of the Death of a sole Defendant, or the Claimants may proceed against the surviving Defendants in respect of the Portion of the Property for which they defend.

Upon Death of Defendant defending separately for Property in respect of which others also defend.
15 & 16 Vict. c. 76. s. 199.

343. In case of the Death before Trial of One of several Defendants in Ejectment who defends separately in respect of Property for which surviving Defendants also defend, it shall be lawful for the Court or a Judge at any Time before the Trial to allow the Person at the Time of the Death in possession of the Property, or the legal Representative of the deceased Defendant, to appear and defend, on such Terms as may appear reasonable and just, upon the Application of such Person or Representative; and if no such Application be made or Leave granted the Claimant suggesting the Death in manner aforesaid may proceed against the surviving Defendant or Defendants to Judgment and Execution.

Claimant may discontinue by Notice.
15 & 16 Vict. c. 76. s. 200.

344. The Claimant in Ejectment shall be at liberty at any Time to discontinue the Action as to One or more of the Defendants by giving to the Defendant or his Attorney a Notice headed in the Court and Cause and signed by the Claimant or his Attorney, stating that he discontinues such Action; and thereupon the Defendant to whom such Notice is given shall be entitled to and may forthwith sign Judgment for Costs in the Form contained in the Schedule (A.) to this Act annexed, marked No. 23. or to the like Effect.

Discontinuance of Action by One of several Claimants. 15 & 16 Vict. c. 76. s. 201.

345. In case One of several Claimants shall be desirous to discontinue, he may apply to the Court or a Judge to have his Name struck out of the Proceedings, and an Order may be made thereupon upon such Terms as to the Court or Judge may seem fit, and the Action shall thereupon proceed at the Suit of the other Claimants.

Judgment for not proceeding to Trial after Notice. 15 & 16 Vict. c. 76. s. 202.

346. If after Appearance entered the Claimant, without going to the Trial, allow the Time allowed for going to Trial by the Practice of the Court in ordinary Cases after Issue joined to elapse, the Defendant in Ejectment may give Twenty Days Notice to the Claimant to proceed to Trial at the Sittings or Assizes next after the Expiration of the Notice; and if the Claimant afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, and the Time for going to Trial shall not be extended by the Court or a Judge, the Defendant may sign Judgment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 24, and recover the Costs of the Defence.

Defendant may confess the Action. 15 & 16 Vict. c. 76. s. 203.

347. A sole Defendant or all the Defendants in Ejectment shall be at liberty to confess the Action as to the whole or Part of the Property, by giving to the Claimant a Notice headed in the Court and Cause, and signed by the Defendant or Defendants, such Signature to be attested by his or their Attorney; and thereupon the Claimant shall be entitled to and may forthwith sign Judgment and issue Execution for the Recovery of Possession and Costs in the Form in the Schedule (A.) to this Act annexed, marked No. 25. or to the like Effect.

Confession by One of several Defendants defending separately for Part. 15 & 16 Vict. c. 76. s. 204.

348. In case One of several Defendants in Ejectment, who defends separately for a Portion of the Property for which the other Defendant or Defendants do not defend, shall be desirous of confessing the Claimant's Title to such Portion, he may give a like Notice to the Claimant, and thereupon the Claimant shall be entitled to and may forthwith sign Judgment and issue Execution for the Recovery of Possession of such Portion of the Property, and for the Costs occasioned by the Defence relating to the same, and the Action may proceed as to the Residue.

Confession by One of several Defendants who defend for same Property. 15 & 16 Vict. c. 76. s. 205.

349. In case One of several Defendants in Ejectment, who defends separately in respect of Property for which other Defendants also defend, shall be desirous of confessing the Claimant's Title, he may give a like Notice thereof; and thereupon the Claimant shall be entitled to and may sign Judgment against such Defendant for the Costs occasioned by his Defence, and may proceed in the Action against the other Defendants to Judgment and Execution.

Court or a Judge may, in Action of Ejectment on the Title, direct temporary Bars to be waived. 19 & 20 Vict. c. 102. s. 89.

350. It shall and may be lawful for the Court or a Judge, in any Action of Ejectment on the Title to be commenced after the passing of this Act, to make an Order directing temporary Bars to be waived and the real Title tried in such Ejectment, in any Case in which it shall be made to appear, to the Satisfaction of such Court or Judge, that a Decree or Decretal Order to the same Effect would be pronounced by the Court of Chancery upon a Bill filed for the Purpose of having temporary Bars waived, but upon such Terms or Conditions as to the said Court or Judge shall seem just.

Effect of Judgment.

351. A Judgment in an Action of Ejectment under this Act shall have no greater Effect than a Judgment in Ejectment before the passing of an Act made in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland."

Error and Bail in Error in Ejectment. 15 & 16 Vict. c. 76. s. 208.

352. Error may be brought in like Manner as in other Actions upon any Judgment in Ejectment, after a special Verdict found by the Jury, or a Bill of Exceptions, or by Consent after a special Case stated, but, except in the Case of such Consent as aforesaid, Execution shall not be thereby stayed, unless the Plaintiff in Error shall, within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgement, whichever shall last happen, or before Execution executed, be bound unto the Claimant who shall have recovered Judgment in such Action of Ejectment in double the yearly Value of the Property and double the Costs recovered by the Judgment, with Condition that if the Judgment shall be affirmed by the Court of Error or the Proceedings in Error be discontinued by the Plaintiff therein, then the Plaintiff in Error shall pay such Costs, Damages, and Sum or Sums of Money as shall be awarded upon or after such Judgment affirmed or Discontinuance; and it shall be lawful for the Court wherein Execution ought to be granted upon such Affirmation or Discontinuance, upon the Application of the Claimant, to issue a Writ to inquire as well of the Mesne Profits as of the Damage by any Waste committed after the First Judgment in Ejectment, which Writ may be tested on the Day on which it shall issue, and be returnable immediately after the Execution thereof, and upon the Return thereof Judgment shall be given and Execution awarded for such Mesne Profits and Damages, and also for Costs of Suit.

On Trials after Bail found, Judge shall not stay the Execution except by Consent, or on Tenants finding Security. 15 & 16 Vict. c. 76. s. 215.

353. In all Cases in which such Security shall have been given as provided by the Seventy-fifth Section of the "Landlord and Tenant Law Amendment Act (Ireland), 1860," if upon the Trial a Verdict shall pass for the Claimant, unless it shall appear to the Judge before whom the same shall have been had that the Finding of the Jury was contrary to the Evidence, or that the Damages given were excessive, such Judge shall not, except by Consent, make any Order to stay Judgment or Execution, except on condition that within Four Days from the Day of the Trial the Defendant shall actually find Security, by the Recognizance of himself and Two sufficient Sureties, in such reasonable Sum as the Judge shall direct, conditioned not to commit any Waste, or Act in the Nature of Waste, or other wilful Damage, and not to sell or carry off any Standing Crops which may happen to be thereupon, from the Day on which the Verdict shall have been given to the Day on which Execution shall finally be made upon the Judgment, or the same be set aside, as the Case may be: Provided always, that the Recognizance last above mentioned shall immediately stand discharged and be of no Effect in case Proceedings in Error shall be brought upon such Judgment, and the Plaintiff in Error shall become bound in the Manner herein-before provided.

Bail in Error to discharge such Security.

Recognizances to be taken as other Recognizances of Bail; Actions on them limited. 15 & 16 Vict. c. 76. s. 216.

354. All Recognizances and Securities entered into as last aforesaid may and shall be taken respectively in such Manner and by and before such Persons as are provided and authorized in respect of Recognizances of Bail upon Actions and Suits depending in the Court in which any such Action of Ejectment shall have been commenced; but no Action or other Proceeding shall be commenced upon any such Recognizance or Security after the Expiration of Six Months from the Time when Possession of the Premises or any Part thereof shall actually have been delivered to the Landlord.

Saving of former Remedies. 15 & 16 Vict. c. 76. s. 218.

355. Nothing herein contained shall be construed to prejudice or affect any other Right of Action or Remedy which Landlords may possess in any of the Cases herein-before provided for, otherwise than as herein-before expressly enacted.

In Ejectment by Mortgagee the Mortgagor's rendering the Principal, Interest, and Costs in Court shall be deemed a full Satisfaction, and the Court may compel the Mortgagee to reconvey.
15 & 16 Vict. c. 76. s. 219.

356. Where an Action of Ejectment shall be brought by any Mortgagee, his Heirs, Executors, Administrators, or Assigns, for the Recovery of the Possession of any mortgaged Lands, Tenements, or Hereditaments, and no Suit shall be then depending in any of Her Majesty's Courts of Equity in Ireland, for or touching the foreclosing or redeeming of such mortgaged Lands, Tenements, or Hereditaments, if the Person having Right to redeem such mortgaged Lands, Tenements, or Hereditaments, and who shall appear and become Defendant in such Action, shall at any Time, pending such Action, pay unto such Mortgagee, or, in case of his Refusal, shall bring into Court where such Action shall be depending, all the Principal Moneys and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit at Law or in Equity, upon such Mortgage (such Money for Principal, Interest, and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose), the Moneys so paid to such Mortgagee, or brought into such Court, shall be deemed and taken to be in full Satisfaction and Discharge of such Mortgage, and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly; and shall and may, by Rule of the same Court, compel such Mortgagee, at the Costs and Charges of such Mortgagor, to assign, surrender, or re-convey such mortgaged Lands, Tenements, and Hereditaments, and such Estate and Interest as such Mortgagee has therein, and deliver up all Deeds, Evidences, and Writings in his Custody relating to the Title of such mortgaged Lands, Tenements, and Hereditaments, unto such Mortgagor, who shall have paid or brought such Moneys into the Court, his Heirs, Executors, or Administrators, or to such other Person or Persons as he or they shall for that Purpose nominate or appoint.

Not to extend to Cases where the Right of Redemption is controverted, or the Money due not adjusted;

or to prejudice any subsequent Mortgage.
15 & 16 Vict. c. 76. s. 220.

357. Nothing herein contained shall extend to any Case where the Person against whom the Redemption is or shall be prayed shall (by Writing under his Hand, or the Hand of his Attorney, Agent, or Solicitor, to be delivered before the Money shall be brought into such Court of Law to the Attorney or Solicitor for the other Side), insist, either that the Party praying a Redemption has not a Right to redeem, or that the Premises are chargeable with other or different Principal Sums than what appear on the Face of Mortgage, or shall be admitted on the other Side; or to any Case where the Right of Redemption to the mortgaged Lands and Premises in question in any Cause or Suit shall be controverted or questioned by or between different Defendants in the same Cause or Suit; or shall be any Prejudice to any subsequent Mortgage or subsequent

Incumbrance, anything herein contained to the contrary thereof in anywise notwithstanding.

358. The several Courts and the Judges thereof respectively shall and may exercise over the Proceedings the like Jurisdiction as heretofore exercised in the Action of Ejectment, so as to ensure a Trial of the Title and of actual Ouster, when necessary only, and for all other Purposes for which such Jurisdiction may at present be exercised; and the Provisions of all Statutes not hereby repealed, and not inconsistent with the Provisions of this Act, and which may be applicable to the Mode of proceeding under this Act, shall remain in force and be applied thereto.

Jurisdiction of Courts and Judges. 15 & 16 Vict. c. 76. s. 221.

359. In the Case of any Ejectment for a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, the Court or a Judge shall have Power, upon Motion, to give Relief in a summary Manner, but subject to Appeal as hereinafter mentioned, in all Cases in which such Relief may now be obtained in the Court of Chancery under the Provisions of an Act passed in Session of Parliament held in the Twenty-second and Twenty-third Years of the present Reign, intituled "An Act to further amend the Law of Property, and to relieve Trustees," and upon such Terms as would be imposed in such Court.

Relief against Forfeiture for not insuring. 23 & 24 Vict. c. 126. s. 2.

22 & 23 Vict. c. 35.

360. Where such Relief shall be granted the Court or a Judge shall direct a Minute thereof to be made by Endorsement on the Lease or otherwise.

Minute of Relief granted. 23 & 24 Vict. c. 126. s. 3.

361. Any Order made by a Judge upon an Application for Relief under the Provisions of the last Two preceding Sections shall be subject to an Appeal to the Court, and may be discharged, varied, or set aside by the Court, upon such Terms as the Court shall think fit, on Application made thereto by any Party dissatisfied with such Order.

Appeal to the Court from Order of Judge. 23 & 24 Vict. c. 126. s. 4.

362. It shall be lawful for the Party against whom the Court makes any Rule or Order in respect of such Relief to appeal from such Rule or Order, and the Courts of Error shall be the Courts of Appeal for this Purpose, and every such Appeal shall be subject to the like Provisions as herein-before provided in relation to Appeals from Rules of the Court upon Motions for new Trials, or to enter a Verdict or Nonsuit by Sections 287., 288., 289., 291., and 292 of this Act.

Power to appeal from Order of Court. 23 & 24 Vict. c. 126. s. 5.

363. The Proof of Title in any One or more several Claimants in Ejectment shall be sufficient to entitle a Verdict to be entered for such

Proof of Title. 16 & 17 Vict. c. 113. s. 203.

such Claimant or Claimants, and it shall not be necessary to produce or prove upon any Trial of an Ejectment the Affidavit of Service of the Writ of Summons.

Action for Replevin of Goods.

And with respect to the Proceedings for Recovery of Goods and Chattels by way of Replevin:

Action for Replevin to be commenced by Writ of Summons. 13 & 14 Vict. c. 18. s. 11.

364. Where any Party whose Goods or Chattels have been taken or distrained shall dispute the Validity of such Taking or Distress, and shall be desirous of proceeding for the Recovery of such Goods and Chattels by Replevin in any of the said Superior Courts, such Party may commence a personal Action for the Recovery of the Goods or Chattels so taken or distrained by a Writ of Summons, which Writ of Summons shall, in addition to any Particulars herein-before required in an ordinary Writ of Summons, state the Particulars of the Property taken or distrained, and the Place where such Taking, Seizure, or Distress shall have been made, and shall be served by delivering a Copy or Copies thereof to the Defendant or Defendants, or to any Agent or other Person acting for him or them in making such Seizure or Distress, or in keeping the Goods and Chattels so taken or distrained, in the Manner herein-before provided in respect of an ordinary Writ of Summons.

Plaintiff may sue out also a Writ of Replevin. 16 & 17 Vict. c. 113. s. 229.

365. When any such Action shall have been so commenced it shall be lawful for the Plaintiff therein to sue out of the Court in which such Action shall be instituted a Writ, to be called a Writ of Replevin, in the Form No. 26. in the Schedule (A.) to this Act annexed, directed to the Sheriff of the County in which such Goods and Chattels shall be under Seizure or Distress, requiring him to replevy the said Goods and Chattels, and the said Sheriff shall and he is hereby required, upon good Security (by the Bond, the Plaintiff, and Two responsible Persons as Sureties, conditioned as usual in such Cases) being given to him in double the Amount of the Value of the Property taken or distrained, to execute such Writ, and to return the said Writ, with a correct and proper Statement endorsed thereon of the Manner in which the same shall have been executed, or the Cause why the same has not been executed, to the Court out of which the same shall have issued within Eight Days, exclusive of any Days appointed to be observed and kept as Holidays, next after such Writ shall have been delivered to him: Provided always, that the Value of the Property so taken or distrained shall be ascertained by the said Sheriff in like Manner as the Value of Goods distrained is now ascertained by Law by the Sheriff in taking Security in Replevins, and that the said Bonds shall be assignable by the Sheriff under like Circumstances and in like Manner, and shall be available to the Assignee thereof, as by Law now or hereafter authorized in respect of Replevin Bonds.

If Plaintiff in Replevin be non-prossed or nonsuited, Defendant entitled to Judgment and Execution for his Rent.

16 & 17 Vict. c. 113. s. 230.

366. If the Plaintiff in any such Action for Replevin of a Distress made for Rent shall be non-prossed for not filing his Declaration, it shall be lawful for the Defendant to file a Suggestion in the Nature of a Declaration for Rent, praying the Court to inquire the Cause of the Distress; and thereupon, or in case Judgment be given for the Defendant on Demurrer, it shall be lawful for the Court to issue a Writ of Inquiry to the Sheriff of the County wherein the Distress was taken, or to the Master of the Court, to inquire touching the Amount of Rent in arrear at the Time of such Distress being taken, and the Value of the Goods or Chattels distrained, and such Inquiry shall be taken in the Manner hereinbefore provided upon Judgment by Default in case of unliquidated Demands; and upon the Return of such Inquisition the Defendant shall have Judgment and Execution to recover against the Plaintiff the Arrears of Rent, whether the Value of the Goods and Chattels distrained shall amount to so much or not, with his Costs of Suit in that Behalf incurred; and in case the said Plaintiff shall be nonsuit after Issue joined, or if the Verdict shall be given against the Plaintiff, then the Jurors impanneled to try such Issue shall, at the Prayer of the Defendant, inquire the Amount of Rent due and the Value of the Goods and Chattels distrained, and the Defendant shall have Judgment and Execution for such Arrears, whether the Value of the said Goods and Chattels shall amount to so much or not, together with his Costs of Suit in that Behalf incurred: Provided always, that nothing herein contained shall in any Manner alter or affect the Liability of the Sureties in the Replevin Bond.

19 & 20 Vict. c. 102. s. 101.

Payment into Court in Replevin.

23 & 24 Vict. c. 126. ss. 23 and 24.

367. The Plaintiff in Replevin may in answer to an Avowry pay Money into Court in satisfaction in like Manner and subject to the same Proceedings as to Costs and otherwise as upon a Payment into Court by a Defendant in other Actions, but such Payment shall not, nor shall the Acceptance thereof by the Defendant in Satisfaction, work a Forfeiture of the Replevin Bond.

Real Actions.

And with respect to the Procedure in Real Actions, be it enacted as follows:

Dower, Writ, of Right, of Dower and Quare impedit abolished as Real Actions, and to be commenced by

368. No Writ of Right of Dower or Writ of Dower Unde nihil habet, and no Plaint for Free Bench or Dower in the Nature of any such Writ, and no Quare impedit shall be brought after the Commencement of this Act in any Court whatsoever; but where any such Writ, Action, or Plaint would now lie, either in a Superior or in any other Court, an Action may be commenced by Writ of

Writ of Summons. 23 & 24 Vict. c. 126. s. 26.

Summons returnable into the Court of Common Pleas in the same Manner and Form as the Writ of Summons in an ordinary Action; and upon such Writ shall be endorsed a Notice that the Plaintiff intends to declare in Dower, or for Free Bench, or in Quare impedit, as the Case may be.

Writ and all Proceedings thereupon, to be same as in ordinary Actions. 23 & 24 Vict. c. 126. s. 27.

369. The Service of the Writ, Appearance of the Defendant, Proceedings in default of Appearance, Pleadings, Judgment, Execution, and all other Proceedings and Costs upon such Writ, shall be subject to the same Rules and Practice, as nearly as may be, as the Proceedings in an ordinary Action commenced by Writ of Summons; and the Provisions of this Act shall apply to the Writ and Pleadings thereupon.

Error on Special Case.

And with respect to Error on a Judgment upon a Special Case, be it enacted as follows:

Error may be brought on a Special Case. 17 & 18 Vict. c. 125. s. 32.

370. Error may be brought upon a Judgment upon a Special Case in the same Manner as upon a Judgment upon a Special Verdict, unless the Parties agree to the contrary; and the Proceedings for bringing a Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict; and the Court of Error shall either affirm the Judgment or give the same Judgments as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case which the Court where it was originally decided ought to have drawn.

Miscellaneous Provisions.

And whereas it is expedient that Injunctions and Orders to stay Proceedings should be rendered more effectual, be it enacted as follows:

Injunctions and Orders to stay Proceedings to have a specific Effect. 15 & 16 Vict. c. 76. s. 226.

371. In case any Action, Suit, or Proceeding in any Court of Law or Equity shall be commenced, sued, or prosecuted in disobedience of and contrary to any Writ of Injunction, Rule, or Order of any of the Superior Courts of Law and Equity at Dublin, or of any Judge thereof in any other Court than that by or in which such Injunction may have been issued, or Rule or Order made, upon the Production to any such other Court or Judge thereof of such Writ of Injunction, Rule, or Order, the said other Court (in which such Action, Suit, or Proceeding may be commenced, prosecuted, or taken), or any Judge thereof, shall stay all further Proceedings contrary to any such Injunction, Rule, or Order, and thenceforth all further and subsequent Proceedings shall be utterly null and void to all Intents and Purposes: Provided always, that nothing herein contained shall be held to diminish, alter, abridge, or vary the Liability of any Person or Persons commencing, suing, or prosecuting any such Action, Suit, or Proceeding contrary to any Injunction, Rule, or Order of either of the Courts aforesaid, to any Attachment, Punishment, or other Proceeding to which any such Person or Persons are, may, or shall be liable in Cases of Contempt of either of the Courts aforesaid in regard to the commencing, suing, or prosecuting such Action, Suit, or Proceeding.

False Evidence.
17 & 18 Vict. c. 125. s. 89.

372. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit in Proceedings under this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Courts may appoint Sittings.
17 & 18 Vict. c. 125. s. 95.

373. The Superior Courts may appoint and hold Sittings either in banco or for the Trial of Issues in Fact by Judge or Jury at any Time or Times, whether in Term or Vacation, not being between the First of August and the Twentieth of October.

Amendments.
15 & 16 Vict. c. 76. s. 222.

374. It shall be lawful for the Superior Courts of Common Law and every Judge thereof, and any Judge sitting at Nisi Prius, at all Times to amend all Defects and Errors in any Writ, Pleading, Record, or other Proceeding in Civil Causes, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments may be made in such Manner as shall be thereby directed, and with or without Costs, and upon such Terms as to the Court or Judge may seem fit; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for; and when such Amendment shall be made at Nisi Prius, or upon an Inquiry, the Order shall be endorsed upon the Record or Writ, and all Pleadings or other Records of the Court which it may be necessary to amend in conformity therewith shall be amended accordingly.

The Lord Lieutenant may direct all or Part of this Act to extend to any Court of Record.
17 & 18 Vict. c. 125. s. 105.

375. It shall be lawful for the Lord Lieutenant of Ireland from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of this Act, or of the several Orders to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in Ireland; and within One Month after such Order shall have been made and published in the "Dublin Gazette," such Provisions and Orders respectively shall extend and apply in manner directed by such Order, and any such Order may be in like

Manner from Time to Time altered and annulled; and in and by any such Order the Lord Lieutenant may direct by whom any Powers or Duties incident to the Provisions applied under this Act shall and may be exercised with respect to Matters in such Court or Courts, and may make any Orders or Regulations which may be deemed requisite for carrying into operation in such Court or Courts the Provisions so applied.

General Rules may be made by the Judges.
16 & 17 Vict. c. 113. s. 233.

376. It shall be lawful for the Judges of the said Courts, or any Seven or more of them, whereof Two shall be Chief Judges, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act, and the "Mercantile Law Amendment Act, 1856," and for making such Alterations in the Mode of Pleadings in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and in the Time and Manner of objecting to Errors in Pleadings and other Proceedings, and in the Mode of verifying Pleas, and in obtaining Final Judgment without Trial in certain Cases, and such Regulations as to the Payment of Costs, and for apportioning the Costs of Issues, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, or prescribed by such General Orders, and for enforcing the Performance thereof, and for settling a Scale of Expenses or Remuneration to be allowed to Witnesses, and for the Purpose of enforcing Uniformity of Practice and Pleading in the said Courts, and of Practice in the Offices thereof, and of ensuring, as far as may be practicable, an equal Division of the Business amongst the said Courts as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time as Occasion may require; and if any Difference shall appear to exist in the Practice of the said Courts and the Offices thereof, it shall be lawful for the Lord Chief Justice of the Court of Queen's Bench to summon a Meeting of the Judges, and thereupon the said Judges shall have full Power by a General Order or Orders to be made by any Seven or more of them, whereof Two shall be Chief Judges, to determine what the Practice in all the said Courts and Offices thereof shall thenceforward be; and all such Rules and Orders as they shall so make shall be valid and effectual, and shall be observed in each of the said Courts and the Offices thereof, until varied or altered by the like Authority, anything in this Act to the contrary notwithstanding; and any Expenses which the Judges shall certify (as now required with reference to incidental Expenses) to have been properly incurred in giving effect to the Provisions of this Act shall be charged and paid in like Manner and as Part of the incidental Expenses of the said Courts: Provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein.

New Forms of Writs and other Proceedings. 15 & 16 Vict. c. 76. s. 224.

377. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken as may by the Judges of the said Courts, or any Seven or more of them, of whom Two shall be the Chief Judges, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained and the Provisions of the "Mercantile Law Amendment Act, 1856," and in such Forms as the Judges of the said Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

Rules may be made by each Court for Government of its Officers. 15 & 16 Vict. c. 76. s. 225.

378. It shall and may be lawful to and for the Judges of each of the said Courts from Time to Time to make such Rules and Orders for the Government and Conduct of the Ministers and Officers of their respective Courts, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of this Act, as such Judges may think fit and reasonable: Provided always, that no additional Charge be thereby imposed on the Suitors.

Enactments of certain Sections to apply to all Civil and Criminal Courts in Ireland.

379. The Enactments contained in Sections 105, 180, 191 of this Act shall apply and extend to every Court of Civil Judicature in Ireland; and the Enactments contained in Sections 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 372 shall apply and extend to all Courts of Judicature, as well Criminal as others, and to all Persons having, by Law or Consent of Parties, Authority to hear, receive, and examine Evidence.

Repeal of former Acts.

380. From and after the Commencement of this Act the several Acts and Parts of Acts set forth in the Schedule (C.) to this Act annexed, and to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding heretofore taken upon any Action brought before the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act, and except so far as the said Acts or Parts of Acts, or any Part thereof, are or is incorporated in "The Probates and Letters of Administration Act (Ireland), 1857," and in a certain Act passed in the Session of Parliament holden in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled "An Act "to alter the Constitution and amend the Procedure of the Court "of Exchequer Chamber in Ireland," in relation to Proceedings in the Court of Exchequer Chamber other than those specially provided for by this Act.

This Act not to affect "The Common Law Procedure Amendment Act (Ireland), 1864," as to the County of Cork Juries.

381. Nothing in this Act contained shall be deemed or taken to repeal an Act passed in the Session of Parliament held in the Twenty-seventh and Twenty-eighth Years of Her present Majesty, intituled "The Common Law Procedure Amendment Act (Ireland), 1864," as to County of Cork Juries; and the Clauses in the said Act contained referring to "The Common Law Procedure Act (Ireland), 1853," shall be deemed to apply to this Act, mutatis mutandis.

Schedule of Law Fund Duties.

382. The several Duties set forth in Schedule (D.) to this Act annexed shall be the respective Law Fund Duties on the Proceedings in Actions in the said Superior Courts of Law in Ireland, and shall be in lieu and stead of the existing Duties in respect of the same or the like Subject Matter, and the like Penalties, Forfeitures, and Remedies for the Enforcement and Recovery of the same shall attach upon the said Duties as previously existed in respect of the Law Fund Duties heretofore in force.

And with respect to the Interpretation of Words in this Act:

Interpretation of Terms.
16 & 17 Vict. c. 113. s. 4.

383. In the Construction of this Act the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law at Dublin in which any Action is brought; and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts; and the Word "Action" shall, except where inconsistent with the Context, be understood to mean any Personal Action brought by Writ of Summons in any of the said Courts; and the Word "Master" shall be understood to mean a Master of any of the said Courts; and no Part of the United Kingdom of Great Britain and Ireland, nor the Islands of Man, Guernsey, Jersey, Alderney, or Sark, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be "beyond the Seas" within the Meaning of this Act; and the Word "County" shall be taken to extend to and include, where necessary and consistent, any City, County of a City, or County of a Town or City, and County of any Place, as the Case may be; and the Word "Party" or "Person" shall extend to and include any Corporation or other Public Body; and the Word "Affidavit" shall include an Affirmation or Declaration made by any Person who is empowered to give Evidence by Affirmation or Declaration in lieu of Oath; and no Provision requiring the Affidavit of or any Act to be done by the Attorney, or the Signature of Attorney or Counsel, or Service on the Attorney, shall apply to Cases where the Plaintiff or Defendant shall sue or defend in person, but all such Acts shall be done by and Notices given to the Party so suing or defending in person; and wherever in this Act, in describing or referring to any Person or Party, Matter or Thing, any Word importing the Singular Number or Masculine Gender is used, the same shall be understood to include and shall be applicable to several Persons and Parties as well as One Person or Party, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it otherwise be provided, or there be something in the Subject or Context repugnant to such Construction.

Short Title.

384. In citing this Act in any Instrument, Document, Pleading, Proceeding, or Act of Parliament it shall be sufficient to use the Expression "The Common Law Procedure Act (Ireland), 1866."

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Writ where the Defendant resides within the Jurisdiction.

Victoria, by the Grace of God, *&c.*

To *C.D.* of in the County of Merchant.

We command you, that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may proceed therein to Judgment and Execution. Witness the Seal of Our Superior Courts of Common Law hereunto set at Dublin, the Day of in the Year of our Lord 1864.

Memorandum to be subscribed on the Writ.

N.B.—The Writ is to be served within [*Six*] Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

Endorsement to be made on the Writ before Service thereof.

This Writ was issued by *E.F.* of Attorney for the said Plaintiff, *or* this Writ was issued in Person by *A.B.*, who resides at [*Mention the City, Town, or Parish, and also the Name of the Street and Number of the House of the Plaintiff's Residence, if any such, and his Description.*]

Endorsement to be made on the Writ after Service thereof.

This Writ was served by *X.Y.* on *L.M.* [the Defendant, *or* One of the Defendants] on Monday the Day of 18 .

(Signed) *X.Y.*

No. 2.

Writ where the Defendant, being a British Subject, resides out of the Jurisdiction.

Victoria by the Grace of God, *&c.*

To *C.D.* of in the County of

We command you, that within

[*Here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from Ireland*]

Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, *&c.*

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within [*Six*] Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

Endorsement to be made on the Writ before the Service thereof.

This Writ is for Service out of the Jurisdiction of the Court, and was issued by *E.F.* of Attorney for the said Plaintiff, *or* this Writ was issued in Person by *A.B.*, who resides at

[*Mention the City, Town, or Parish, and also the Name of the Street and Number of the House of the Plaintiff's Residence, if any such.*]

The Endorsement required by the Ninth Section should be made on this Writ, but should allow the Defendant the Time limited for Appearance to pay the Debt and Costs.

No. 3.

Writ where the Defendant, not being a British Subject, resides out of the Jurisdiction.

Victoria, by the Grace of God, *&c.*

To *C.D.* late of in the County of

We command you, that within

[*Here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from Ireland*]

Days after Notice of this Writ is served on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, *&c.*

Memorandum to be subscribed on the Writ.

N.B.—Notice of this Writ is to be served within [*Six*] Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

Indorsements as in other Cases.

Notice of the foregoing Writ.

To *G.H.* late of [*Mullingar in the County of Westmeath*], *or* now residing at [*Paris in France*].

Take notice, That *A.B.* of in the County of Ireland, has commenced an Action at Law against you *C.D.* in Her Majesty's Court of by a Writ returnable into that Court, dated the Day of A.D. 18 ; and you are required within Days after the Receipt of this Notice, inclusive of the Day of such Receipt, to defend the said Action by causing an Appearance to be entered for you in the said Court to the said Action; and in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed thereon to Judgment and Execution.

[*Here state Amount of Claim as required by the Ninth Section, but allowing the Defendant the Time limited for Appearance to pay Debt and Costs.*]

(Signed) *A.B.* of &c.
or
E.F. of &c.
Attorney for *A.B.*

No. 4.

Special Indorsement.

[*After the Indorsement required by the Ninth Section of this Act, this special Indorsement may be inserted.*]

The following are the Particulars of Plaintiff's Claim:

	£	*s.*	*d.*
1859.—June 20. Half Year's Rent to this Day of House and Premises in Grafton Street, Dublin - -	25	10	0
Sept. 12. Ten Sacks of Flour, at 40*s.* - -	20	0	0
Dec. 1. Money received by Defendant - -	17	0	0
	62	10	0
Paid - - - -	15	0	0
Balance due - -	47	10	0

Or

To Butcher's Meat supplied between the 1st of January 1859 and the 1st of January 1860 - - - - - - -	£52
Paid - - - - -	20
Balance - - -	£32

[*If any Account has been delivered, it may be referred to, with its Date, or the Plaintiff may give such a Description of his Claim as in a particular Demand, so as to prevent the Necessity of an Application for further Particulars.*]

Or,

£50 Principal and Interest due on a Bond dated the Day of conditioned for the Payment of 100*l.*

Or,

£90 Principal and Interest due on a Covenant contained in a Deed dated the Day of to pay 100*l.* and Interest.

Or,

A Penalty of 50*l.* under the Statute 26 Vict. c. 29.

Or,

£85 on a Bill of Exchange for 100*l.*, dated the 2d February 1864, accepted *or* drawn, *or* indorsed by the Defendant.

Or,

£50 on a Guarantee, dated the 1st of January 1863, whereby the Defendant guaranteed the due Payment by *E.F.* of Goods supplied or to be supplied to him.

[*To any of the above may be added, in Cases where Interest is payable,* "*the* "*Plaintiff also claims Interest on l. of the above Sum from the Date of the Writ until Judgment.*"]

N.B.—Take notice, that if a Defendant served with this Writ within the Jurisdiction of the Court do not appear according to the Exigency thereof, the Plaintiff will be at liberty to sign Final Judgment for any Sum not exceeding the Sum above claimed (with Interest at the Rate specified), and the Sum of l. for Costs, and issue Execution at the Expiration of Eight Days from the last Day for Appearance.

No. 5.

Judgment for Default of Appearance by Defendant residing within the Jurisdiction when the Writ is specially indorsed.

In the Queen's Bench:
On the Day of A.D. 1866.

[*Day of signing the Judgment.*]

Ireland, to wit. } *A.B.* in his own Person (*or* by *X.Y.* his Attorney) sued out a Writ of Summons against *C.D.*, indorsed according to "The Common Law Procedure Act (Ireland), 1866," as follows:

[*Here copy special Indorsement.*]

And the said *C.D.* has not appeared: Therefore, it is considered that the said *A.B.* recover against the said *C.D.* l. together with l. for Costs of Suit.

No. 6.

The Issue on a Question or Questions of Fact without Pleadings.

In the Queen's Bench:

The Day of in the Year of our Lord 18

County of Leitrim, to wit. } Whereas *A.B.* has sued *C.D.*, and affirms and denies

[*Here state the Question or Questions of Fact to be tried.*]

And it has been ordered by the Hon. Mr. Justice , according to "The Common Law Procedure Act (Ireland), 1866," that the said Question shall be tried by a Jury: Therefore let the same be tried accordingly.

No. 7.

Bill of Exceptions.

In the Queen's Bench:

Monday, the 20th Day of July A.D. 1866.

A.B. Plaintiff. *C.D.* Defendant. } The Issues in Fact in the annexed Record of Nisi Prius having come to be tried by a Jury on this Day, the Plaintiff produced and examined as a Witness one *G.H.* to prove the Fact of [*&c. &c.*]; and the said *G.H.* deposed that [*&c., &c.*], which Evidence the Defendant objected to as not being legal Evidence of the Fact; and the Plaintiff insisting to the contrary, the Judge at Nisi Prius admitted the Evidence to be received accordingly; and therefore the Defendant excepts, and prays that his Exception shall be placed upon the Record, for the Examination of the Court above.

(Signed) *L.M.*, Counsel for Defendant.
L.P., Judge.

No. 8.

Suggestion of Breaches.

In the Queen's Bench:

Monday, the 20th Day of June A.D. 1866.

A.B. Plaintiff. *C.D.* Defendant. } And now on this Day the said *A.B.* the Plaintiff comes and informs the Court, that after the Recovery of the said Judgment, and on the First Day of April 1865, another half-yearly Gale of the said Annuity, amounting to the Sum of 100*l.*, became due and payable to the Plaintiff, and that the Defendant has neglected and refused to pay the same, in breach and violation of the Conditions of the said Bond upon which the Plaintiff recovered such Judgment; and therefore the Plaintiff prays Execution of the said Judgment for the further Sum of 100*l.*

No. 9.

Form of Rule or Summons where a Judgment Creditor applies for Execution against a Judgment Debtor.

[*Formal Parts.*]

C.D. show Cause why *A.B.* [*or as the Case may be*] should not be at liberty to enter a Suggestion upon the Roll in an Action wherein the said *A.B.* was Plaintiff and the said *C.D.* was Defendant, and wherein the said *A.B.* obtained Judgment for *l.* against the said *C.D.* on the Day of ; that it manifestly appears to the Court that the said *A.B.* is entitled to have Execution of the said Judgment, and to issue Execution thereupon, and why the said *C.D.* should not pay to the said *A.B.* the Costs of this Application, to be taxed.

[NOTE.—*The above Form may be modified so as to meet the Case of an Application by or against the Representative of a Party to the Judgment.*]

No. 10.

Form of Suggestion that the Judgment Creditor is entitled to Execution against the Judgment Debtor.

And now on the Day of it is suggested and manifestly appears to the Court, that the said *A.B.* [*or C.D.*, as Executor of the last Will and Testament of the said *A.B.*, deceased, *or as the Case may be*], is entitled to have Execution of the Judgment aforesaid against the said *E.F.* [*or* against *G.H.*, as Executor of the last Will and Testament of the said *E.F.*, *or as the Case may be*]: Therefore it is considered by the Court that the said *A.B.* [*or C.D.*, as such Executor as aforesaid, *or as the Case may be*], ought to have Execution of the said Judgment against the said *E.F.* [*or* against *G.H.*, as such Executor as aforesaid, *or as the Case may be*].

No. 11.

Form of Writ of Revivor.

VICTORIA, by the Grace of God, &c., to *E.F.* of greeting.

WE command you that within Eight Days after the Service of this Writ upon you, inclusive of the Day of such Service, you appear in Our Court of to show Cause why *A.B.* [*or C.D.*, as Executor of the last Will and Testament of the said *A.B.*, deceased, *or as the Case may be*,] should not have Execution against you [*if against a Representative, here insert*, as Executor of the last Will and Testament of deceased, *or as the Case may be*] of a Judgment whereby the said *A.B.* [*or as the Case may be*] on the Day of in the said Court recovered against you [*or as the Case may be*] *l.*; and take notice, that in default of your so doing the said *A.B.* [*or as the Case may be*] may proceed to Execution.

Witness, &c.

No. 12.

Satisfaction Piece, Affidavit, and Requisition to enter Satisfaction on Judgment.

A.B.
Plaintiff.
C.D.
Defendant.

I *A.B.* of did obtain a Judgment in the Court of as of Term 18 Roll No. against *C.D.* for the Sum of which said Judgment has been fully satisfied and discharged [*or, in case of part Payment,* of which the Sum of , Part of the Sum secured by the said Judgment, has been paid]; and I hereby consent that Satisfaction [*or, in case of part Payment,* a Memorandum of such part Payment shall] be entered on the Record of said Judgment.

Dated this Day of 18 .

Signed in Presence of *E.F.* *A.B.*

The above-named *E.F.* of this Day maketh Oath and saith, That he is the subscribing Witness to and saw the above Consent duly executed by *A.B.* of , and saith that the Name *E.F.* subscribed as Witness to the above Consent is Deponent's proper Name and Handwriting.

(Signed) *E.F.*

Sworn before me, this

Now I *G.H.* of a practising Attorney of this Honourable Court, do hereby, on behalf of the Defendant, require the proper Officer to enter Satisfaction [*or, in case of part Payment,* that a Memorandum of part Payment be entered] on the Record of said Judgment.

(Signed) *G.H.*, Attorney.

To the Master of the Court of

No. 13.

Memorandum of Error in Law.

In the Queen's Bench:

The Day of in the Year of our Lord 18 .

[*The Day of lodging Note of Error.*]

A.B. and *C.D.*

The Plaintiff [*or* Defendant] says, That there is Error in Law in the Record and Proceedings in this Action; and the Defendant [*or* Plaintiff] says that there is no Error therein.

(Signed) *A.B.*, Plaintiff.
[*or C.D.*, Defendant.]
[*or E.F.*, Attorney for Plaintiff *or* Defendant.]

No. 14.

Suggestion of Error and Denial of it.

The Day of in the Year of our Lord 18 .

[*The Day of making the Entry on the Roll.*]

The Plaintiff [*or* Defendant] says, That there is Error in the above Record and Proceedings; and the Defendant [*or* Plaintiff] says that there is no Error therein.

No. 15.

Memorandum alleging Error in Fact.

In the Queen's Bench:

The Day of in the Year of our Lord 18 .

[*The Day of lodging Note of Error*]

A.B. and *C.D.* in Error.

The Plaintiff [*or* Defendant] says that there is Error in Fact in the Record and Proceedings in this Action, in the Particulars specified in the Affidavit hereunto annexed.

(Signed) *A.B.*, Plaintiff.
[*or C.D.*, Defendant.]
[*or E.F.*, Attorney for Plaintiff
or Defendant.]

No. 16.

Writ of Summons in Cases of Summary Procedure on Bills of Exchange.

Victoria, by the Grace of God, *&c.*

To *C.D.*, of in the County of

WE warn you, that unless within Twelve Days after the Service of this Writ on you, inclusive of the Day of such Service, you obtain Leave from the Court of or One of the Judges thereof, to appear, and do within that Time appear, in Our Court of in an Action at the Suit of *A.B.*, the said *A.B.* may proceed to Judgment and Execution.

Witness, *&c.*

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within Six Calendar Months from the Date hereof, or if renewed from the Date of such Renewal, including the Day of such Date, and not afterwards.

Endorsement to be made on the Writ before Service thereof.

This Writ was issued by *E.F.* of Attorney for the Plaintiff, *or*, This Writ was issued in Person by *A.B.*, who resides at

[*Mention the City, Town, or Parish, and also the Name of the Street, and Number of the House of the Plaintiff's Residence.*]

Endorsement.

The Plaintiff claims [Pounds, Principal and Interest], *or* Pounds, Balance of Principal and Interest, due to him as the Payee [*or* Endorsee] of a Bill of Exchange or Promissory Note, of which the following is a Copy:

[*Here copy Bill of Exchange or Promissory Note, and all Endorsements upon it.*]

And if the Amount thereof be paid to the Plaintiff or his Attorney within Days from the Service hereof, further Proceedings will be stayed.

Notice.

Take notice, That if the Defendant do not obtain Leave from the Court, or One of the Judges thereof, within Twelve Days after having been served with this Writ, inclusive of the Day of such Service, to appear thereto, and do not within such Time cause an Appearance to be entered for him in the Court into which this Writ is returnable, the Plaintiff will be at liberty, at any Time after the Expiration of such Twelve Days, to sign final Judgment for any Sum not exceeding the Sum above claimed, and the Sum of Pounds for Costs, and issue Execution for the same.

Leave to appear may be obtained on an Application to the Court or a Judge, supported by Affidavit, showing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear in the Action.

Endorsement to be made on the Writ after Service thereof.

This Writ was served by *X. Y.* on *L. M.* (the Defendant *or* the Defendants), on Monday the Day of 18 .

By *X. Y.*

No. 17.

Judgment on Nonappearance in Cases of Summary Procedure on Bills of Exchange and Promissory Notes.

In the Queen's Bench :

On the Day of in the Year of our Lord 18 .

[*Day of signing Judgment.*]

Ireland, to wit. } *A. B.* in his own Person [*or* by his Attorney] sued out a Writ against *C. D.*, endorsed as follows :

[*Here copy Endorsement of Plaintiff's Claim.*]

And the said *C. D.* has not appeared.

Therefore it is considered that the said *A. B.* recover against the said *C. D.* Pounds, together with Pounds for Costs of Suit.

No. 18.

Ejectment.

Form of Writ.

Victoria, *&c.*, to *X. Y. Z.*, and all Persons entitled to defend the Possession of

[*Describe the Property with reasonable Certainty*]

in the Parish of in the County of , to the Possession whereof *A.*, *B.*, and *C.*, some or One of them, claim to be [*or* to have been on and since the Day of A.D.] entitled, and to eject all other Persons therefrom: These are to will and command you, or such of you as deny the alleged Title, within Sixteen Days after Service hereof, to appear in Our Court of to defend the said Property, or such Part thereof as you may be advised; in default whereof Judgment may be signed, and you turned out of Possession.

Witness, *&c.* (*as in personal Actions*).

[*Here endorse the Sum claimed as Damages for the Loss of Mesne Rates and Profits, or the Particulars of the Rent due, as the Case may be.*]

No. 19.

Judgment in Ejectment in case of Nonappearance.

In the Queen's Bench:

The Day of 18 .

[*Date of Writ.*]

County of Cork, to wit. } On the Day and Year above written, a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

Victoria, by the Grace of God

[*Here copy the Writ*].

And no Appearance has been entered or Defence made to the said Writ: Therefore it is considered that the said

[*Here insert the Names of the Persons in whom Title is alleged in the Writ*]

do recover Possession of the Land in the said Writ mentioned, with the Appurtenances.

No. 20.

Judgment in Ejectment where no Defence to Part.

In the Queen's Bench;

The Day of A.D. 18 .

County of Galway, to wit. } On the Day and Year above written, a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

Victoria, by the Grace of God

[*Here copy the Writ*]

and *C. D.* has, on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and has defended for a Part of the Land in the Writ mentioned; that is to say,

[*Here state the Part*]

And no Appearance has been entered or Defence made to the said Writ, except as to the said Part: Therefore it is considered that the said *A. B.* [*the Claimant*] do recover Possession of the Land in the said Writ mentioned, except the said Part, with the Appurtenances, and that he have Execution thereof forthwith; and as to the rest, let a Jury come, *&c.* [*as in the next Form, No.* 21].

No. 21.

Issue in Ejectment where the Defence is to the whole.

In the Queen's Bench:

The Day of A.D. 18

County of Dublin, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

Victoria, by the Grace of God,

[*Here copy the Writ*]

And *C.D.* has on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and defended for the whole of the Land therein mentioned: Therefore let a Jury come, *&c.*, and let the Jury ascertain whether the Plaintiff is entitled to any and what Damages for Loss of Mesne Rates and Profits, and [*in case of Ejectment for Nonpayment of Rent*] the Amount of Rent due to the Plaintiff.

No. 22.

Judgment in Ejectment on Verdict for the Plaintiff.

Afterwards, on the Day of A.D. before and Justices of our Lady the Queen, assigned to take the Assizes in and for the within County, come the Parties within mentioned; and a Jury of the said County being sworn to try the Matters in question between the said Parties, upon their Oath say, that *A.B.* (*the Claimant*) within mentioned, on the Day of A.D. was and still is entitled to the Possession of the Land within mentioned, as in the Writ alleged: Therefore it is considered that the said *A.B.* (*the Claimant*) do recover the Possession of the said Land with the Appurtenances, and the Sum of *l.* for his Damages for the Loss of the Mesne Rates and Profits of the said Lands [*and in Ejectment for Nonpayment of Rent*] the Sum of *l.* for the Arrears of the Rent of the said Land.

No. 23.

Judgment in Ejectment for Costs after Discontinuance.

In the Queen's Bench:

The Day of 18 .

[*Date of Writ.*]

County of Kildare, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth returnable into this Court, in these Words; that is to say,

Victoria, by the Grace of God

[*Here copy the Writ*]

And *C.D.* has, on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and *A.B.* has discontinued the Action: Therefore it is considered that the said *C.D.* be acquitted, and that he recover against the said *A.B.* *l.* for his Cost of Defence.

No. 24.

Judgment in Ejectment where the Plaintiff has not proceeded to Trial when required so to do.

In the Queen's Bench:
The   Day of   18.
[*Date of Writ.*]

County of Tyrone, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

Victoria, by the Grace of God
[*Here copy the Writ*]

And *C.D.* has on the   Day of   appeared by his Attorney [*or* in Person] to the said Writ, and *A.B.* has failed to proceed to Trial, although duly required so to do: Therefore it is considered that the said *C.D.* be acquitted, and that he recover against the said *A.B.*   *l.* for his Costs of Defence.

No. 25.

Judgment in Ejectment by Confession.

In the Queen's Bench:
The   Day of   18 .
[*Date of Writ.*]

County of Carlow, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

Victoria, by the Grace of God
[*Here copy the Writ*]

And *C.D.* has, on the   Day of   appeared by his Attorney [*or* in Person] to the said Writ, and the said *C.D.* has confessed the said Action [*or* has confessed the said Action as to Part of the said Land, that is to say, *here state the Part*]: Therefore it is considered that the said *A.B.* do recover Possession of the Land in the said Writ mentioned [*or* of the said Part of the said Land, with the Appurtenances, and   *l.* for Costs.

No. 26.

Writ of Replevin.

VICTORIA, by the Grace of God, *&c.*

To the Sheriff of   greeting.

WE command you that without Delay you cause to be replevied to *A.B.* his Goods and Chattels (and Cattle), to wit,   which *C.D.* took and unjustly detains, as it is said, and after what Manner you shall have executed this Our Writ make appear to Us [*or* to Our Justices or Barons, *as the Case may be*], at the Queen's Courts, Dublin, and have there this Our Writ.

Witness, *&c.*

Endorsements as in other Cases.

SCHEDULE (B.)

FORMS OF PLEADINGS.

Statement of Causes of Action.

On Contracts.

Goods sold.

1. Money payable by the Defendant to the Plaintiff for

[*These Words,* " Money payable," *&c. should precede Money Counts like* 1 *to* 13, *but need only be inserted in the first.*]

Goods bargained and sold by the Plaintiff to the Defendant.

Work and Materials.

2. Work done and Materials provided by the Plaintiff for the Defendant at his Request.

Money lent.

3 Money lent by the Plaintiff to the Defendant.

Money paid.

4. Money paid by the Plaintiff for the Defendant at his Request.

Money received.

5. Money received by the Defendant for the Use of the Plaintiff.

Account stated.

6. Money found to be due from the Defendant to the Plaintiff on Accounts stated between them.

For an Estate sold.

7. A Messuage and Land sold and conveyed by the Plaintiff to the Defendant.

For Goodwill.

8. The Goodwill of a Business of the Plaintiff sold and given up by the Plaintiff to the Defendant.

For the Use of a House and Land.

9. The Defendant's Use, by the Plaintiff's Permission, of Messuages and Lands of the Plaintiff.

For the Use of a Fishery.

10. The Defendant's Use, by the Plaintiff's Permission, of a Fishery of the Plaintiff.

For Hire of Goods, &c.

11. The Hire of [*as the Case may be*] by the Plaintiff, let to Hire to the Defendant.

For Freight.

12. Freight for the Conveyance by the Plaintiff, for the Defendant, at his Request, of Goods in Ships.

For Demurrage.

13. The Demurrage of a Ship of the Plaintiff kept on Demurrage by the Defendant.

Payee against Maker of Note.

14. That the Defendant on the   Day of   A.D., by his Promissory Note, now overdue, promised to pay to the Plaintiff   *l.* [*Two*] Months after Date, but did not pay the same.

Indorsee against Indorser of Note.

15. That one *A.* on, *&c.* [*Date*], by his Promissory Note, now overdue, promised to pay to the Defendant or Order   *l.* [*Two*] Months after Date; and the Defendant indorsed the same to the Plaintiff; and the said Note was duly presented for Payment, and was dishonoured, whereof the Defendant had due Notice, but did not pay the same.

Drawee against Acceptor of Bill.

16. That the Plaintiff on, *&c.* [*Date*], by his Bill of Exchange, now overdue, directed to the Defendant, required the Defendant to pay to the Plaintiff   *l.* [*Two*] Months after Date; and the Defendant accepted the said Bill, but did not pay the same.

Payee against Drawer.

17. That the Defendant, on, &c. [*Date*], by his Bill of Exchange, directed to *A.*, required *A.* to pay to the Plaintiff *l.* [*Two*] Months after Date; and the said Bill was duly presented for Acceptance, and was dishonoured, of which the Defendant had due Notice, but did not pay the same.

Breach of Promise of Marriage.

18. That the Plaintiff and Defendant agreed to marry one another, and a reasonable Time for such Marriage has elapsed, and the Plaintiff has always been ready and willing to marry the Defendant, yet the Defendant has neglected and refused to marry the Plaintiff.

19. That the Plaintiff and Defendant agree to marry one another on a Day now elapsed, and the Plaintiff was ready and willing to marry the Defendant on that Day, yet the Defendant neglected and refused to marry the Plaintiff.

Warranty of a Horse.

20. That the Defendant, by warranting a Horse to be then sound and quiet to ride, sold the said Horse to the Plaintiff, yet the said Horse was not then sound and quiet to ride.

For not loading pursuant to Charterparty.

21. That the Plaintiff and the Defendant agreed by Charterparty that the Plaintiff's Ship, called the *Ariel*, should with all convenient Speed sail to *R.*, or so near thereto as she could safely get, and that the Defendant should there load her with a full Cargo of Tallow or other lawful Merchandise, which she should carry to *H.*, and there deliver, on Payment of Freight *l.* per Ton, and that the Defendant should be allowed Ten Days for Loading, and Ten for Discharge, and Ten Days for Demurrage, if required, at *l.* per Day; and that the Plaintiff did all Things necessary on his Part to entitle him to have the agreed Cargo loaded on board the said Ship at *R.*, and the Time for so doing has elapsed, yet the Defendant made default in loading the agreed Cargo.

Upon a Lease for Rent.

22. That the Plaintiff let to the Defendant a House, No. , Merrion Square, North, Dublin, for Seven Years, to hold from the Day of A.D. at *l.* a Year, payable quarterly, of which Rent Quarters are due and unpaid.

Upon a Covenant to repair.

23. That the Plaintiff by Deed let to the Defendant a House, No. , Henrietta Street, Dublin, to hold for Seven Years from the Day of , A.D. , and the Defendant by the said Deed covenanted with the Plaintiff well and substantially to repair the said House during the said Term [*according to the Covenant*], yet the said House was during the said Term out of good and substantial Repair.

For Wrongs independent of Contract.

Trespass Land.

24. That the Defendant broke and entered certain Land of the Plaintiff, called the Big Field, and depastured the same with Cattle.

Assault, Battery, and false Imprisonment.

25. That the Defendant assaulted and beat the Plaintiff, gave him into Custody to a Policeman, and caused him to be imprisoned in a Police Office.

Criminal Conversation.

26. That the Defendant debauched and carnally knew the Plaintiff's Wife.

Wrongful Conversion of Goods.

27. That the Defendant converted to his own Use or wrongfully deprived the Plaintiff of the Use and Possession of the Plaintiff's Goods; that is to say, Iron, Hops, Household Furniture [*or, as the Case may be*].

Wrongful Detention of Property, &c.

28. That the Defendant detained from the Plaintiff his Title Deeds of Land called Belmont in the County of Cork; that is to say [*describe the Deeds*].

Diverting Water from a Mill.

29. That the Plaintiff was possessed of a Mill, and by reason thereof was entitled to the Flow of a Stream for working the same, and the Defendant, by cutting the Bank of the said Stream, diverted the Water thereof away from the said Mill.

Infringement of a Patent.

30. That the Plaintiff was the First and true Inventor of a certain new Manufacture; that is to say, of " certain Improvements in the Manufacture of " Sulphuric Acid," and thereupon Her Majesty Queen Victoria, by Letters Patent under the Great Seal of England, granted the Plaintiff the sole Privilege to make, use, exercise, and vend the said Invention within Ireland, for the Term of Fourteen Years from the Day of A.D. , subject to a Condition that the Plaintiff should, within Six Calendar Months next after the Date of the said Letters Patent, cause to be enrolled in the High Court of Chancery an Instrument in Writing under his Hand and Seal, particularly describing and ascertaining the Nature of his said Invention, and in what Manner the same was to be and might be performed, and the Plaintiff did within the Time prescribed fulfil the said Condition, and the Defendant during the said Term did infringe the said Patent Right.

Defamation of Character.

31. That the Defendant falsely and maliciously spoke and published of the Plaintiff the Words following; that is to say, " he is a Thief."

[*If there be any special Damage, here state it with such reasonable Particularity as to give Notice to the Defendant of the peculiar Injury complained of; for instance,*]

whereby the Plaintiff lost his Situation as Gamekeeper in the Employ of *A.*

32. That the Defendant falsely and maliciously printed and published of the Plaintiff, in a Newspaper called " ," the Words following; that is to say, " he is a regular Prover under Bankruptcies;" the Defendant meaning thereby that the Plaintiff had proved and was in the habit of proving fictitious Debts against the Estates of Bankrupts, with the Knowledge that such Debts were fictitious.

Commencement of Plea.

33. The Defendant by his Attorney [*or* in Person] says

[*Here state the Substance of the Plea.*]

34. And for a Second Plea the Defendant says

[*Here state the Second Plea.*]

Pleas in Actions on Contracts.

Denial of Debt.

35. That he never was indebted as alleged.

[*This Plea is applicable to Declarations like those numbered* 1 *to* 13.]

Denial of Contract.

36. That he did not promise as alleged.

[*This Plea is applicable to other Declarations on Simple Contracts, not on Bills and Notes such as those numbered* 18 *to* 21. *It would be unobjectionable to use* " did not warrant," " did not agree," *or any other appropriate Denial.*]

Denial of Deed.

37. That the alleged Deed is not his Deed.

Statute of Limitations.

38. That the alleged Cause of Action did not accrue within Six Years

[*State the Period of Limitation applicable to the Case*]

before this Suit.

39. That before Action he satisfied and discharged the Plaintiff's Claim by Payment. Payment.

40. That the Plaintiff at the Commencement of this Suit was, and still is, indebted to the Defendant in an Amount equal to the Plaintiff's Claim, for Set-off.

[*Here state the Cause of Set-off, as in a Declaration; see Forms ante*]

which Amount the Defendant is willing to set off against the Plaintiff's Claim.

41. That after the alleged Claim accrued, and before this Suit, the Plaintiff by Deed released the Defendant therefrom. Release.

Pleas in Actions for Wrongs independent of Contract.

42. That he is not guilty. Not guilty.

43. That he did what is complained of by the Plaintiff's Leave. Leave and Licence.

44. That the Plaintiff first assaulted the Defendant, who thereupon necessarily committed the alleged Assault in his own Defence. Self Defence.

45. That the Defendant, at the Time of the alleged Trespass, was possessed of Land the Occupiers whereof for Twenty Years before this Suit enjoyed as of Right, and without Interruption, a Way on Foot and with Cattle from a public Highway over the said Land of the Plaintiff to the said Land of the Defendant, and from the said Land of the Defendant over the said Land of the Plaintiff to the said public Highway, at all Times of the Year, for the more convenient Occupation of the said Land of the Defendant, and that the alleged Trespass was a Use by the Defendant of the said Way. Right of Way.

46. That the Defendant, at the Time of the alleged Trespass, was possessed of Land the Occupiers whereof for Thirty Years before this Suit enjoyed as of Right, and without Interruption, Common of Pasture over the said Land of the Plaintiff for all their Cattle, levant and couchant, upon the said Land of the Defendant, at all Times of the Year, as to the said Land of the Defendant appertaining, and that the alleged Trespass was a Use by the Defendant of the said Right of Common. Right of Common.

Replications.

47. The Plaintiff takes Issue upon the Defendant's 1st, 2d, &c. Pleas. Joinder of Issue.

48. The Plaintiff as to Second Plea says,— Replication to Pleas containing new Matter.

[*Here state the Answer to the Plea as in the following Forms:*]

49. That the alleged Release is not the Plaintiff's Deed. To Plea of Release.

50. That the alleged Release was procured by the Fraud of the Defendant.

51. That the alleged Set-off did not accrue within Six Years before this Suit. To Plea of Set-off.

52. That the Plaintiff was possessed of Land whereon the Defendant was trespassing and doing Damage, whereupon the Plaintiff requested the Defendant to leave the said Land, which the Defendant refused to do; and thereupon the Plaintiff gently laid his Hands on the Defendant in order to remove him, doing no more than was necessary for that Purpose, which is the alleged First Assault by the Plaintiff. To Self Defence.

53. That the Occupiers of the said Land did not for Twenty Years before this Suit enjoy as of Right and without Interruption the alleged Way. To Right of Way.

Common Law Courts (Ireland).

A

BILL

To amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland.

(Prepared and brought in by
Mr. Attorney General for Ireland and
Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
15 *February* 1866.

[Bill 18.]

Under 17 *oz.*

A

BILL

TO

Amend the Common Law Procedure Amendment Acts (Ireland), 1853 and 1856.

WHEREAS it is expedient to make certain Alterations and Amendments in the Common Law Procedure Amendment Acts (Ireland), 1853 and 1856:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act to commence 1 Nov. 1866.

1. The Provisions of this Act shall come into operation on the *First Day of November One thousand eight hundred and sixty-six.*

This and former Acts to be construed together.

2. This Act and the Common Law Procedure Amendment Act (Ireland), 1853, and the Common Law Procedure Amendment Act, 1856, shall be incorporated and construed together as One Act.

Repeal of Sections of Common Law Procedure Act, 1853, as in Schedule A.

3. The several Sections or Parts of Sections of the Common Law Procedure Amendment Act (Ireland), 1853, mentioned in Schedule A. to this Act shall be repealed so far as is thereby directed, but not further or otherwise.

Service of Writ out of the Juris-

4. In case it shall be made to appear by Affidavit to the Satisfaction of the Court or a Judge that any Defendant in any Action, diction of the Court.

the Cause of which has arisen within the Jurisdiction of the Court, or in respect of the Breach of a Contract made within such Jurisdiction, is residing out of the Jurisdiction of the Court, in any Place, except England or Scotland, it shall be lawful for the Court or Judge, upon an Application made at any Time while the Writ is in force, to authorize such Service of the Writ of Summons and Plaint on such Defendant out of the Jurisdiction, in such Manner, and with such Extension of Time for Appearance and Defence, as to the Court or Judge shall seem fit: Provided always, that in case the Defendant shall not appear and take Defence the Plaintiff shall prove the Amount of the Debt or Damages claimed by him in such Action, either before a Jury upon a Writ of Inquiry, or before the Master of the Court, in the Manner provided by the Common Law Procedure Amendment Act (Ireland), 1853, according to the Nature of the Case, as the Court or Judge may direct, and the making such Proof shall be a Condition precedent to his obtaining Judgment; and it shall be the Duty of the Master, before he permits any such Judgment to be marked, to see that a proper Affidavit of the Service of the Writ of Summons and Plaint in the Manner directed by such Order of the Court or a Judge as aforesaid has been filed.

A Defence of the General Issue may be pleaded in Personal Actions except Replevin and Actions on Bills or Notes.

5. In any Personal Action, except Replevin, and except Actions on Bills of Exchange and Promissory Notes, a Defence of the General Issue, in the Terms or to the Effect of One of the Forms contained in Schedule B. to this Act, according to the Nature of the Action, may be pleaded either separately or along with any other Defence which might heretofore have been pleaded under the Provisions of the Common Law Procedure Amendment Act (Ireland), 1853; and such Defence of the General Issue may, without Leave of the Court or a Judge, be pleaded along with any One or more of the Defences mentioned in Section Fifty-eight of the said Act, or to be mentioned in any Rule or Order to be made under the Authority of that Section.

Effect of Defence of Non assumpsit.

6. In Actions on Simple Contract the Defence of "Non assumpsit" shall operate only as a Denial in Fact of the express Contract, Promise, or Agreement alleged, or of the Matters of Fact from which the Contract, Promise, or Agreement alleged may be implied by Law; as, for instance,—

In an Action on a Warranty such Defence will operate as a Denial of the Fact of the Sale and Warranty having been given, but not of the Breach; and in an Action on a Policy of Insurance, of the Subscription to the alleged Policy by the Defendant, but not of the Interest, of the Commencement of the Risk, of the Loss, or of the alleged Compliance with Warranties:

In Actions against Carriers and other Bailees for not delivering or not keeping Goods safe, or not returning them on Request, and in Actions against Agents for not accounting, such Defence will operate as a Denial of any express or implied Contract to the Effect alleged in the Summons and Plaint, but not of the Breach:

Effect of Defence of "Never was indebted."

To Causes of Action to which the Plea of "Never was indebted" is applicable as provided in Schedule B. to this Act annexed, and to those of a like Nature, the Plea of "Non assumpsit". shall be inadmissible, and the Plea of "Never was indebted" will operate as a Denial of those Matters of Fact from which the Liability of the Defendant arises; as for instance, in Actions for Goods bargained and sold, or sold and delivered, the Plea will operate as a Denial of the Bargain and Sale, or Sale and Delivery, in point of Fact; in the like Action for Money had and received it will operate as a Denial, both of the Receipt of Money, and the Existence of those Facts which make such Receipt by the Defendant a Receipt to the Use of the Plaintiff.

Defences in Actions on Bills or Notes must traverse some Matter of Fact.

7. In Actions upon Bills of Exchange and Promissory Notes every Defence by way of Denial must traverse some Matter of Fact, as, for instance, the drawing or making, or indorsing or accepting, or presenting, or Notice of Dishonour of the Bill or Note.

Effect of Defence of "Non est factum."

8. In Actions on Specialties and Covenants the Plea of "Non est factum" shall operate as a Denial of the Execution of the Deed in point of Fact only.

Matters in Confession and Avoidance must be specially pleaded.

9. In all Actions, whether upon Contract or of Tort, all Matters in Confession and Avoidance, including not only those by way of Discharge, but those which show the Transaction to be either void or voidable in point of Law, on the Ground of Fraud or otherwise, as, for instance, Infancy, Coverture, Release, Payment, Performance, Illegality of Consideration either by Statute or Common Law, drawing, indorsing, accepting, or making Bills or Notes by way of Accommodation, Set-off, mutual Credit, Unseaworthiness, Misrepresentation, Concealment, Deviation, and other Defences of the like Character, shall be specially pleaded.

Effect of Defence of "Non detinet."

10. In Actions for detaining Goods the Defence of "Non detinet" shall operate as a Denial of the Detention of the Goods by the Defendants, but not of the Plaintiff's Property therein; and no other Defence than such Denial shall be admissible under that Defence.

Effect of Defence of "Not Guilty."

11. In Actions of Tort the Defence of "Not Guilty" shall operate as a Denial only of the Breach of Duty or wrongful Act alleged to have been committed by the Defendant, and not of the Facts stated in the Inducement, and no other Defence than such Denial shall be admissible under that Defence; as, for instance,—

In an Action for a Nuisance to the Occupation of a House by carrying on an offensive Trade, the Defence of "Not Guilty" will operate as a Denial only that the Defendant carried on the alleged Trade in such a Way as to be a Nuisance to the Occupation of the House, and will not operate as a Denial of the Plaintiff's Occupation of the House:

In an Action for obstructing a Right of Way, such Defence will operate as a Denial of the Obstruction only, and not of the Plaintiff's Right of Way:

In an Action for Slander of the Plaintiff in his Office, Profession, or Trade, the Defence of "Not Guilty" will operate in Denial of speaking the Words, of speaking them maliciously and in the defamatory Sense imputed, and with reference to the Plaintiff's Office, Profession, or Trade, but it will not operate as a Denial of the Fact of the Plaintiff holding the Office or being of the Profession or Trade alleged:

In Actions for an Escape it will operate as a Denial of the Neglect or Default of the Sheriff or his Officers, but not of the Debt, Judgment, or preliminary Proceedings:

In Actions against a Carrier the Defence of "Not Guilty" will operate as a Denial of the Loss or Damage, but not of the Receipt of the Goods by the Defendant as a Carrier for Hire, or of the Purpose for which they were received:

In Actions for Trespass to Land the Defence of "Not Guilty" shall operate as a Denial that the Defendant committed the Trespass alleged in the Place mentioned, but not as a Denial of the Plaintiff's Possession or Right of Possession of that Place:

In Actions for taking, damaging, or converting the Plaintiff's Goods, the Defence of "Not Guilty" shall operate as a Denial of the Defendant having committed the Wrong alleged, by taking, damaging, or converting the Goods mentioned, but not of the Plaintiff's Property therein.

In Actions on Bonds conditional for Payment of a lesser Sum Money may be paid into Court.

12. In any Action brought upon a Bond which has a Condition or Defeazance to make void the same upon Payment of a lesser Sum at a Day or Place certain, with a Penalty, and in any Action for detaining the Goods of the Plaintiff, it shall be lawful for the Defendant, by Leave of the Court or a Judge, and upon such Terms as they or he shall think fit, to pay into Court a Sum of Money to answer the Claim of the Plaintiff in respect of such Bond in the former Case, and in the latter Case to the Value of the Goods alleged to be detained.

Joinder of Issue 15 & 16 Vict. c. 76. s. 79.

13. Either Party may plead, in answer to the Defence or subsequent Pleading of his Adversary, that he joins Issue thereon, which Joinder of Issue may be as follows, or to the like Effect:

"The Plaintiff joins Issue upon the Defendant's First (&c. specifying what, or what Part) Defence."

"The Defendant joins Issue upon the Plaintiff's Replication to the First (&c. specifying what) Defence."

And such Form of Joinder of Issue shall be deemed to be a Denial of the Substance of the Defence or other subsequent Pleading, and an Issue thereon; and in all Cases where the Plaintiff's Pleading is in denial of the Pleading of the Defendant, or some Part of it, the Plaintiff may add a Joinder of Issue for the Defendant.

Writs of Inquiry may be executed before a Judge.

14. In all Cases of Writs of Inquiry it shall be lawful for the Court or a Judge to order that they shall be executed before a Judge sitting at Nisi Prius for the Trial of Causes, either in the Consolidated Nisi Prius Court or at the After Sittings or Assizes, as such Court or Judge shall in their or his Discretion direct, and for that Purpose to enter a Suggestion upon the Record whenever the Trial is ordered to take place in a County other than that in which the Venue is laid.

Several Counts on the same Cause of Action, or several Defences or subsequent Pleadings on the same Ground, shall not be allowed;

15. Except as herein-after provided, several Courts on the same Cause of Action, or several Defences, Replications, or subsequent Pleadings or Avowries or Cognizances founded on the same Ground of Defence or Answer, shall not be allowed; and if several Counts on the same Cause of Action, or several Defences, Replications, or subsequent Pleadings or Avowries or Cognizances founded on the same Ground of Defence or Answer, shall be filed, the Court or a Judge may, on the Application of the opposite Party, strike out or amend any of such Counts, Defences, or other Pleadings, on such Terms, as to Costs or otherwise, as such Court or Judge may think fit: Provided that on any such Application the Court or Judge may allow such Counts on the same Cause of Action, or such Defences, Replications, or subsequent Pleadings or Avowries or Cognizances founded on the same Ground of Defence or Answer, as may appear to such Court or Judge to be proper for determining the real Question in controversy between the Parties on its Merits, subject to such Terms, as to Costs or otherwise, as the Court or Judge may think fit.

but the Court or a Judge may allow such Counts, Defences, or subsequent Pleadings as may appear proper.

In Notices of Applications to strike out or amend Pleadings the Causes of Objection shall be stated.

16. In all Applications to the Court or a Judge to strike out or amend any Pleading on the Ground that such Pleading is so framed as to prejudice, embarrass, or delay the fair Trial of the Action, the particular Causes of Objection to such Pleading shall be specified in the Notice of Motion, and no other Causes of Objection than those so specified shall be relied on upon the Motion, or allowed by the Court or Judge.

Orders for Amendment to be endorsed on the Record.

17. So much of Section Two hundred and thirty-one of the Common Law Procedure Amendment (Ireland) Act, 1853, as directs that in certain Cases of Amendment therein mentioned the Order shall be endorsed on the Abstract shall be repealed; and in lieu thereof it is hereby enacted, That in such Cases the Order shall be indorsed on the Record, and the said Section shall be read and construed as if the Word "Record" was contained therein in place of the Word "Abstract."

Endorsement of Summons and Plaint in Ejectment.

18. The Person who serves any Writ of Summons and Plaint in Ejectment shall on the Day of such Service, or at latest on the Day next after, endorse on the Writ the Place and Day of the Month and Week of the Service thereof, otherwise the Plaintiff shall not be at liberty, in case of no Appearance and Defence, to proceed under the said Act; and every Affidavit of Service shall mention the Day on which such Endorsement was made.

Sections 63, 64, 65, 66, 67, of Common Law Procedure Act, 1856, not to extend to Debts for Rent.

19. The Provisions of Sections Sixty-three, Sixty-four, Sixty-five, Sixty-six, and Sixty-seven of the Common Law Procedure Amendment Act (Ireland), 1856, shall not extend or apply to Debts for Rent owing or accruing from a Tenant to his Landlord.

SCHEDULES.

SCHEDULE A.

SECTIONS AND PARTS OF SECTIONS OF THE COMMON LAW PROCEDURE AMENDMENT ACT (IRELAND), 1853, TO BE REPEALED.

So much of Section 33. as provides that Notice of the issuing of the Writ shall be given in the Dublin Gazette and in a local Newspaper, and that the Days for filing an Appearance and Defence shall run from the Day of the Publication of such Notice.

Section 48.

So much of Section 68. as provides that all Facts stated in any Summons and Plaint, and not denied in the Defence, shall be deemed to be admitted for the Purpose of the Suit.

Section 70.

Section 71.

Section 102.

So much of Section 107. as provides that it shall be lawful for the Defendant, after such Default as therein mentioned, to proceed to have the Abstract of the Issues settled.

So much of Section 108. as provides that if Abstracts are entered for Trial both by the Plaintiff and the Defendant, the Defendant's Abstract shall be treated as standing next in Order after Plaintiff's Abstract in the List of Causes, and the Trial of the Cause may take place accordingly.

So much of Section 202. as directs that in case a Defence shall be filed an Abstract of the Issue for Nisi Prius may be made up by the Plaintiffs or their Attorney, and that such Abstract shall be lodged with the Pleadings Assistant.

SCHEDULE B.

DEFENCES OF THE GENERAL ISSUE.

In Actions on Contracts.

1. That he never was indebted as alleged.
   (This Defence is applicable to Counts like those numbered 1 to 9, both inclusive, in Schedule C. to the Common Law Procedure Amendment Act, 1853.)
2. That he did not promise as alleged.
   (This Defence is applicable to Counts like those numbered 14 and 15 in the said Schedule.)
3. That he never executed the alleged Deed.

In Actions of Tort.

4. That he is not guilty.
5. That he did not detain the Plaintiff's [Deeds] as alleged.

Common Law Procedure Amendment Acts (Ireland).

A

BILL

To amend the Common Law Procedure Amendment Acts (Ireland), 1853 and 1856.

(*Prepared and brought in by*
Mr. Whiteside and Mr. George.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1866.

[Bill 76.]

Under 1 *oz.*

Commons (Metropolis) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Limits of Act.
4. Exclusion of Authority of Inclosure Commissioners.
5. Incorporation of Commissioners.
6. Constitution of Commissioners.
7. Commissioners to be unpaid.
8. Quorum of Commissioners.
9. Acting during Vacancies.
10. Appointment of Secretary, Clerks, &c. of Commissioners.
11. Memorial for Scheme.
12. Inquiry into Memorial.
13. Preparation of Draft Scheme.
14. Printing and Publication of Draft Scheme.
15. Objections and Suggestions respecting Scheme.
16. Inquiry into Scheme by public Sittings.
17. Report of Assistant Commissioner.
18. Final Settlement and Approval of Scheme.
19. No Alienation or Inclosure to be recommended.
20. Scheme to state Rights affected.
21. Printing and Sale of Scheme.
22. Scheme when approved to be certified.
23. Printing and Publication of Scheme.
24. Annual Report to be laid before Houses of Parliament.
25. Contents of Report.
26. Confirmation of Scheme by Act of Parliament.
27. Reference of Scheme to Select Committee, if opposed.
28. Expenses of Scheme to be defrayed by Memorialists, &c.
29. Power for Metropolitan Board to contribute for Purposes of Scheme.
30. Amendment of Schemes.
31. Provision for Cases of Disability.
32. Consent with respect to Crown or Duchy Rights.
33. Power for Lord of Manor, &c. to appoint Agent.
34. Provision for Conveyance to Commissioners.
35. Power for Crown to vest Manorial, &c. Rights in Commissioners.
36. Saving for Rights of Lords of Manors, &c.
37. Expenses of Execution of Act.

SCHEDULE.

A

BILL

TO

Make Provision for the Improvement of Commons in the Neighbourhood of the Metropolis, and the Protection thereof from Nuisances.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. **1.** This Act may be cited as The Commons (Metropolis) Act, 1866.

Interpretation. **2.** In this Act—

The Term "Common" means Land subject at the passing of this Act to any Right of Common:

The Term "Commoner" means a Person having any such Right of Common:

The Term "Manor" includes reputed Manor:

And those Terms as applied by this Act respectively refer to any particular Common within the Limits of this Act, and to the Manor of the Wastes whereof that Common is Part, and to every Person having a Right of Common in, over, or affecting that Common.

Limits of Act.

3. This Act shall apply exclusively to Commons situate wholly or in part within the Metropolitan Police District (as defined at the passing of this Act), and those Commons exclusively shall be deemed within the Limits of this Act.

Exclusion of Authority of Inclosure Commissioners.

4. After *the passing of this Act* the Inclosure Commissioners for England and Wales shall not entertain any Application for the Inclosure of any Common within the Limits of this Act, or any Part thereof; but nothing in this Act shall interfere with the carrying on and Completion of Proceedings under any Provisional Order of the Inclosure Commissioners confirmed by Act of Parliament passed before or in the present Session.

Incorporation of Commissioners.

5. There shall be a Body of Commissioners for carrying this Act into execution, of whom the full Number shall be *Five*, which Commissioners and their Successors are hereby, for the Purposes of this Act, incorporated by the Name of The Commons (Metropolis) Commissioners, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property; and those Commissioners are in this Act called the Commissioners.

Constitution of Commissioners.

6. The following Persons shall be the Commissioners, namely,—

The First Commissioner of Her Majesty's Works and Public Buildings for the Time being:

The Chairman for the Time being of the Metropolitan Board of Works:

One of the Inclosure Commissioners for England and Wales for the Time being, to be nominated in that Behalf by One of Her Majesty's Principal Secretaries of State by Writing under his Hand, and to hold Office under this Act during the Pleasure of the Secretary of State:

Two Persons to be from Time to Time appointed to be Commissioners for the Purposes of this Act by One of Her Majesty's Principal Secretaries of State by Writing under his Hand, and to hold Office during the Pleasure of the Secretary of State.

Commissioners to be unpaid.

7. None of the Commissioners shall receive any Salary or Remuneration for his Services under this Act.

Quorum of Commissioners.

8. *Two* of the Commissioners shall be a Quorum.

9. The Commissioners may act notwithstanding any Vacancy in their Body.

Acting during Vacancies.

10. The Commissioners from Time to Time may appoint a fit Person to be their Secretary, and from Time to Time may, with the Approval of the Commissioners of Her Majesty's Treasury, appoint a fit Person to be Assistant Commissioner for the Purposes of this Act, and may appoint and employ so many Officers, Clerks, and Servants as the Commissioners of Her Majesty's Treasury approve.

Appointment of Secretary, Clerks, &c. of Commissioners.

11. A Scheme for the Improvement of a Common by Drainage and otherwise, and for the Protection thereof from Nuisances, may be made under this Act on a Memorial in that Behalf presented to the Commissioners by the Lord of the Manor or by any Commoners.

Memorial for Scheme.

12. On the Presentation of any such Memorial the Commissioners (if on Consideration of the Memorial they think fit) may make such Examination and Inquiry as they think necessary or proper in relation to the Subject Matter of the Memorial.

Inquiry into Memorial.

13. On such Examination and Inquiry the Commissioners may, if they think fit, prepare the Draft of a Scheme respecting the Common or any Part thereof.

Preparation of Draft Scheme.

14. Where the Commissioners prepare the Draft of a Scheme, they shall cause it to be printed, and printed Copies of it to be delivered to the Memorialists and to the Lord of the Manor, and shall also cause it, or a proper Abstract of it, to be published and circulated in such Manner as they think sufficient for giving Information to all Parties interested.

Printing and Publication of Draft Scheme.

15. During *One Month* after the first Publication of the Draft of a Scheme the Commissioners shall receive any Objections or Suggestions made to them in Writing respecting the Scheme.

Objections and Suggestions respecting Scheme.

16. At any Time during that *Month*, or afterwards, the Commissioners, if they think fit, may refer the Draft of the Scheme to an Assistant Commissioner.

Inquiry into Scheme by public Sittings.

On any such Reference the Assistant Commissioner shall proceed to make an Inquiry concerning the Subject Matter of the Scheme, and for that Purpose to hold a Sitting or Sittings in some convenient Place in the Neighbourhood of the Common, and thereat to take and receive any Evidence and Information offered, and hear and inquire into any Objections or Suggestions made, respecting the

Scheme or the Common, with Power from Time to Time to adjourn any Sitting.

Notice shall be published, in such Manner as the Commissioners direct, of every such Sitting (except an adjourned Sitting), *Fourteen* Days at least before the holding thereof.

Report of Assistant Commissioner.

17. The Assistant Commissioner to whom the Draft of a Scheme is referred shall make a Report in Writing to the Commissioners, setting forth the Result of the Inquiry, and whether in his Opinion the Draft of the Scheme should be approved with or without Alteration, and if with any, then with what Alteration, and his Reasons for the same, and the Objections and Suggestions, if any, made on the Inquiry, and his Opinion thereon.

Final Settlement and Approval of Scheme.

18. As soon as may be after the Expiration of the said *Month*, or the Receipt by the Commissioners of the Report of the Assistant Commissioner (as the Case may be), the Commissioners shall proceed to consider any Objections or Suggestions made to them in Writing respecting the Scheme, or the Report (if any), and thereupon they shall, if they think fit, finally settle and approve of the Scheme in such Form as they think expedient.

No Alienation or Inclosure to be recommended.

19. The Commissioners shall not approve of any Scheme recommending the Alienation or Inclosure of a Common or any Part thereof.

Scheme to state Rights affected.

20. Every Scheme shall state what Rights (if any) claimed by any Person or Class of Persons are affected by the Scheme, and in what Manner and to what Extent they are affected thereby, and whether or not the Scheme has been in relation thereto consented to by that Person or Class of Persons, or any of them.

Printing and Sale of Scheme.

21. Every Scheme shall contain a Provision for the Sale at all Times of printed Copies thereof to all Persons desiring to buy the same, at a Price not exceeding a reasonable Sum to be fixed by the Scheme.

Scheme when approved to be certified.

22. Every Scheme, when approved by the Commissioners, shall be certified by them, and sealed with their Common Seal.

Printing and Publication of Scheme.

23. Where the Commissioners certify a Scheme they shall cause printed Copies of it to be delivered to the Memorialists and to the Lord of the Manor, and shall also cause it, or a proper Abstract of it, to be published and circulated in such Manner as they think sufficient for giving Information to all Parties interested.

24. The

Annual Report to be laid before Houses of Parliament.

24. The Commissioners shall in the Month of *February* in every Year make a Report to Her Majesty of all their Proceedings during the Year ending the *Thirty-first Day of December* then last past.

The Report shall be laid before both Houses of Parliament within *Fourteen* Days after the making thereof, if Parliament is then sitting, and if not, then within *Fourteen* Days after the next meeting of Parliament.

Contents of Report.

25. The Commissioners in their annual Report shall set forth in full every Scheme certified by them during the Year to which the Report relates, and shall state the Grounds of their Approval thereof, and the Objections, if any, made thereto and over-ruled, and all Proceedings had in respect of those Objections, and the Grounds on which they were over-ruled.

Confirmation of Scheme by Act of Parliament.

26. A Scheme certified by the Commissioners shall not of itself have any Operation, but the same shall have full Operation when and as confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Reference of Scheme to Select Committee if opposed.

27. If in the Progress through Parliament of a Bill confirming any Scheme certified by the Commissioners a Petition is presented to either House of Parliament against the Scheme, the Bill, as far as it relates to the Scheme petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose, as in Case of a Private Bill.

Expenses of Scheme to be defrayed by Memorialists, &c.

28. All Expenses incurred by the Commissioners in relation to any Memorial, or to any Scheme consequent thereon, shall be defrayed by the Memorialists, or by any Ratepayers or Inhabitants of the Parish or District in which the Common is situate willing and offering to defray those Expenses; and the Commissioners may, if they think fit, on or at any Time after the Presentation of the Memorial, require the Memorialists or those Ratepayers or Inhabitants, or any of them, to pay to the Commissioners such Sum as the Commissioners think requisite for or on account of those Expenses, or to give Security to the Satisfaction of the Commissioners for the Payment of those Expenses on Demand.

Power for Metropolitan Board to contribute for Purposes of Scheme.

29. The Metropolitan Board of Works may, on the Recommendation of the Commissioners, contribute such Amount as they think fit (in a gross Sum or by annual Payments or otherwise) towards the Expenses of executing any Scheme under this Act when confirmed by Act of Parliament; and all Money so contributed by the

Metropolitan Board of Works shall be deemed Part of the Expenses of that Board under The Metropolis Management Act, 1855, and the Acts amending the same, and shall be raised and paid by that Board accordingly.

Amendment of Schemes.

30. The Commissioners may from Time to Time approve and certify a Scheme for amending any Scheme confirmed by Act of Parliament, and all the Provisions of this Act relative to an original Scheme shall apply also to an amending Scheme, mutatis mutandis.

Provision for Cases of Disability.

31. Where any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, or is beyond the Seas, his or her Guardian, Trustee, Committee of the Estate, Husband, or Attorney (as the Case requires), or in default thereof a Person nominated in that Behalf by the Commissioners under their Common Seal (which Nomination they are hereby empowered to make as Occasion requires), shall for the Purposes of this Act be deemed to be substituted in the Place of such Lord, Commoner, or other Person.

Consent with respect to Crown or Duchy Rights.

32. Where any Estate, Interest, or Right in, over, or affecting a Common belongs to or is enjoyed by Her Majesty, Her Heirs or Successors, in right of the Crown, or forms Part of the Possessions of the Duchy of Lancaster or of the Duchy of Cornwall, any Consent for the Purposes of any Scheme under this Act may be given in respect of that Estate, Interest, or Right, as follows, namely,—

In the first-mentioned Case by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the Approval of the Commissioners of Her Majesty's Treasury:

In the secondly-mentioned Case by the Chancellor of the Duchy of Lancaster, by Writing under his Hand attested by the Clerk of the Council of the Duchy:

In the thirdly-mentioned Case by the Duke of Cornwall, or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy of Cornwall.

Power for Lord of Manor, &c. to appoint Agent.

33. Any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common may, by a Power of Attorney in Writing under his Hand (which shall be exempt from Stamp Duty), appoint an Agent to act for him for the Purposes of any Memorial or Scheme under this Act.

All Things by this Act directed or authorized to be done by or with relation to any Lord of a Manor, Commoner, or other Person as aforesaid may be lawfully done by or with relation to his Agent so appointed.

Every such Agent may, in the Name and on behalf of his Principal, sign, concur in, and execute any Memorial or Act, or signify Consent or Dissent on any Matter arising out of the Execution of this Act.

Every Person shall be bound by the Acts of any such Agent according to the Authority committed to him, as fully as if the Principal had himself acted.

Every such Power of Attorney, or a Copy thereof examined and authenticated as a true Copy by the Signature of a Witness or Witnesses, shall be deposited with the Commissioners.

Any such Power of Attorney may be in the Form given in the Schedule to this Act or to the like Effect.

Provision for Conveyance to Commissioners.

9 G. 2. c. 36.

34. Where any Estate, Interest, or Right in, over, or affecting a Common is by Deed conveyed to the Commissioners with their Approval, the Provisions of the Act of the Ninth Year of the Reign of King George the Second (Chapter Thirty-six) "to restrain the "Disposition of Lands whereby the same become unalienable" shall not apply to the Conveyance.

Power for Crown to vest Manorial, &c. Rights in Commissioners.

35. Notwithstanding anything in any other Act, it shall be lawful for Her Majesty, Her Heirs or Successors, from Time to Time to grant to the Commissioners, for such Estate or Interest, and on such Terms and subject to such Conditions, as to Her Majesty, Her Heirs or Successors, seem meet, all or any Part or Parts of the open and uninclosed Lands being Wastes of the Royal Manor of East Greenwich in the County of Kent, and also to so grant all or any of the Rights of Common which Her Majesty, Her Heirs or Successors, has or have for the Time being in, over, or affecting any Common, and which might by Law be so granted by a private Person entitled absolutely thereto.

Whenever it is the Pleasure of Her Majesty, Her Heirs or Successors, to make a Grant as aforesaid, the Commissioners of Her Majesty's Treasury may issue a Warrant to the Commissioners.

Every such Warrant shall be exempt from Stamp Duty, and shall be inrolled as Conveyances of Lands forming Part of the Land Revenues of the Crown in England are required to be inrolled, and the Inrolment thereof shall be certified at the Foot or on the Back thereof by the proper Officer by whom the same is inrolled under his Hand, and the same when inrolled shall be returned with the Certificate of Inrolment to the Commissioners.

From and immediately after the Inrolment of the Warrant the Commissioners by force of this Act shall be deemed to be in the actual Seisin or Possession of the Lands or Rights in the Warrant specified, and shall hold and enjoy the same, according to the Warrant, for the Purposes of this Act.

Saving for Rights of Lords of Manors, &c.

36. Nothing in this Act shall take away, abridge, or in anywise prejudicially affect any Estate, Interest, Right, or Power at the passing of this Act or at any Time afterwards by Law belonging to or exerciseable by any Lord of a Manor, Commoner, or other Person in, over, affecting, or in relation to any Common, and every such Estate, Interest, Right, and Power shall continue and may be exercised as if this Act had not been passed.

Expenses of Execution of Act.

37. Except as expressly otherwise provided in this Act, such Portion of the Expenses of the Execution of this Act not exceeding *One Moiety* thereof, as the Commissioners of Her Majesty's Treasury from Time to Time require, shall be paid to the Commissioners of Her Majesty's Treasury, or as they direct, by the Metropolitan Board of Works; and all Money paid by the Metropolitan Board of Works under this Enactment shall be deemed Part of the Expenses of that Board under The Metropolis Management Act, 1855, and the Acts amending the same, and shall be raised and paid by that Board accordingly; *and the Residue of the Expenses of the Execution of this Act shall be defrayed out of Money to be provided by Parliament for that Purpose.*

THE

THE SCHEDULE.

Form of Power of Attorney.

THE COMMONS (METROPOLIS) ACT, 1866.

I, *A.B.* of in pursuance of the above-mentioned Act, appoint of to be my Agent for all the Purposes of that Act [*or for a specified Purpose under the Act*].

Dated this Day of 18 .

(Signed) *A.B.*

Witness,
C.D.

Commons (Metropolis).

A

B I L L

To make Provision for the Improvement of Commons in the Neighbourhood of the Metropolis, and the Protection thereof from Nuisances.

(Prepared and brought in by
Mr. Cowper and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
21 *March* 1866.

[Bill 84.]

Under 2 *oz.*

Commons (Metropolis) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Definition of Local Authority and Local Rate. CLAUSE A.
3. To what Commons Act applies.
4. Interpretation.
5. Exclusion of Authority of Commissioners to inclose, &c.
6. Memorial for Scheme as to Common.
7. Application of Act to Freemen's Lands.
8. Inquiry into Memorial.
9. Preparation of Draft Scheme.
10. Printing and Publication of Draft Scheme.
11. Objections and Suggestions respecting Scheme.
12. Inquiry into Scheme by public Sittings.
13. Report of Assistant Commissioner.
14. Final Settlement and Approval of Scheme.
15. Scheme to state Rights affected.
16. Printing and Sale of Scheme.
17. Scheme when approved to be certified.
18. Printing and Publication of Scheme.
19. Annual Report to be laid before Houses of Parliament.
20. Contents of Report.
21. Confirmation of Scheme by Act of Parliament.
22. Reference of Scheme to Select Committee, if opposed.
23. Expenses of Scheme to be defrayed by Memorialists, &c.
24. Power for Local Authority to contribute for Purposes of Scheme.
25. Expenses of Local Authority to be paid out of Local Rate. CLAUSE B.
26. Amendment of Schemes.
27. Provision for Cases of Disability.
28. Consent with respect to Crown or Duchy Rights.
29. Power for Lord of Manor, &c. to appoint Agent.
30. Provision for Conveyance to Commissioners.
31. Power for Crown to vest Manorial, &c. Rights in Commissioners.

SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make Provision for the Improvement, Protection, and Management of Commons near the Metropolis and Cities and large Towns in England.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Suburban Commons Act, 1866.

Clause A. Definition of Local Authority and Local Rate.

2. For the Purposes of this Act, the Local Authority of any such Place as is described in the First Schedule to this Act shall be the Authority described as such in that Schedule in connexion with such Place; and for the Purposes of this Act, the Local Rate with respect to any such Place shall be the Rate described in the same Schedule in connexion with such Place.

To what Commons Act applies.

3. This Act shall extend to England only, and shall apply exclusively to the following Commons (in this Act referred to as Suburban Commons); namely,—

Any Common, any Part whereof is situate within the Metropolitan Police District, as defined at the passing of this Act:

Any Common, any Part whereof is situate within Two Miles of a City or Town of Ten thousand Inhabitants, or within Two Miles and a Half of a City or Town of Twenty thousand Inhabitants, or within Three Miles of a City or Town of Thirty thousand Inhabitants, or within Three Miles and a Half of a City or Town of Seventy thousand Inhabitants, or within Four Miles of a City or Town of One hundred thousand Inhabitants;

and in every such Case the Number of Inhabitants shall be ascertained by the last Census for the Time being, and the Distance shall be measured in a direct Line from the Town Hall, and if there is none, then from the Cathedral or the Church, or if there are more Churches than One, then from the Centre of the principal Market Place, of the City or Town; and if Doubt arises whether any Common is within the Description aforesaid or not, the same shall be determined by the Commissioners, whose Decision shall be conclusive.

Interpretation.

4. In this Act—

The Term "Common" means Land subject at the passing of this Act to any Right of Common:

The Term "Commoner" means a Person having any such Right of Common:

The Term "Manor" includes reputed Manor:

The Term "Commissioners" means the Inclosure Commissioners for England and Wales, and the Term "Assistant Commissioner" means the Assistant Commissioner appointed by the Inclosure Commissioners:

And those Terms as applied by this Act respectively refer to any particular Suburban Common, and to the Manor of the Wastes whereof that Common is Part, and to every Person having a Right of Common in, over, or affecting that Common.

Exclusion of Authority of Commissioners to inclose, &c.

5. After the passing of this Act the Commissioners shall not entertain an Application for the Inclosure of a Suburban Common, or any Part thereof; but nothing in this Act shall interfere with the carrying on and Completion of Proceedings under any Provisional Order of the Commissioners confirmed by Act of Parliament passed before or in the present Session; and notwithstanding any Proceedings taken under any Act other than this Act, or any Provisional Order of the Commissioners made but not already confirmed by Act of Parliament, Proceedings may be taken under this Act in relation to any Suburban Common.

Memorial for Scheme as to Common.

6. A Scheme for the Establishment of Local Management with a view to the Expenditure of Money on the Drainage, Levelling, and Improvement of a Suburban Common, and to the making of Byelaws and Regulations for the Prevention of Nuisances and the Preservation of Order thereon, may be made under this Act, on a Memorial in that Behalf presented to the Commissioners by the Lord of the Manor or by any Commoners, or by the Local Authority.

Application of Act to Freemen's Lands.

7. Where the Freemen, Burgesses, or Inhabitant Householders of a City, Borough, or Town, or any Class or Description of such Freemen, Burgesses, or Inhabitant Householders, have Rights of Common or other Interests in Land, a Scheme for the Management of that Land or any Part thereof, or for the Exchange of that Land or any Part thereof, may be made under this Act, on a Memorial in that Behalf presented to the Commissioners by any Five or more of such Freemen, Burgesses, or Householders, or any Class or Description of such Freemen, Burgesses, or Inhabitant Householders, or by the Local Authority.

Every such Scheme shall provide for the Use and Enjoyment of the Land comprised therein in such Manner and subject to such Terms and Conditions, and with Power to make such Byelaws in respect of such Use and Enjoyment, as the Commissioners approve.

Every such Scheme relating to Exchange shall contain Provisions for the Use and Application, in such Manner as the Commissioners approve, of the Land taken in exchange, and of any Money received for Equality of Exchange.

Inquiry into Memorial.

8. On the Presentation of any Memorial under this Act the Commissioners (if on Consideration of the Memorial they think fit) may make such Examination and Inquiry as they think necessary or proper in relation to the Subject Matter of the Memorial.

Preparation of Draft Scheme.

9. On such Examination and Inquiry the Commissioners may, if they think fit, prepare the Draft of a Scheme respecting the Common or any Part thereof.

Printing and Publication of Draft Scheme.

10. Where the Commissioners prepare the Draft of a Scheme, they shall cause it to be printed, and printed Copies of it to be delivered to the Memorialists and to the Lord of the Manor and to the Local Authority, and shall also cause it, or a proper Abstract of it, to be published and circulated in such Manner as they think sufficient for giving Information to all Parties interested.

Objections and Suggestions respecting Scheme.

11. During Two Months after the first Publication of the Draft of a Scheme the Commissioners shall receive any Objections or Suggestions made to them in Writing respecting the Scheme.

Inquiry into Scheme by public Sittings.

12. At any Time after the Expiration of those Two Months, the Commissioners, if they think fit, may refer the Draft of the Scheme to an Assistant Commissioner.

On any such Reference the Assistant Commissioner shall proceed to make an Inquiry concerning the Subject Matter of the Scheme, and for that Purpose to hold a Sitting or Sittings in some convenient Place in the Neighbourhood of the Common, and thereat to take and receive any Evidence and Information offered, and hear and inquire into any Objections or Suggestions made, or to be made during the Sitting or Sittings, respecting the Scheme or the Common, with Power from Time to Time to adjourn any Sitting.

Notice shall be published, in such Manner as the Commissioners direct, of every such Sitting (except an adjourned Sitting), Fourteen Days at least before the holding thereof.

Report of Assistant Commissioner.

13. The Assistant Commissioner to whom the Draft of a Scheme is referred shall make a Report in Writing to the Commissioners, setting forth the Result of the Inquiry, and whether in his Opinion the Draft of the Scheme should be approved with or without Alteration, and if with any, then with what Alteration, and his Reasons for the same, and the Objections and Suggestions, if any, made on the Inquiry, and his Opinion thereon.

Final Settlement and Approval of Scheme.

14. As soon as may be after the Expiration of the said Two Months, or the Receipt by the Commissioners of the Report of the Assistant Commissioner (as the Case may be), the Commissioners shall proceed to consider any Objections or Suggestions made to them in Writing respecting the Scheme, or the Report (if any), and thereupon they shall, if they think fit, finally settle and approve of the Scheme in such Form as they think expedient.

Scheme to state Rights affected.

15. Every Scheme shall state what Rights (if any) claimed by any Person or Class of Persons are affected by the Scheme, and in what Manner and to what Extent they are affected thereby, and whether or not the Scheme has been in relation thereto consented to by that Person or Class of Persons, or any of them.

Printing and Sale of Scheme.

16. Every Scheme shall contain a Provision for the Sale at all Times of printed Copies thereof to all Persons desiring to buy the same, at a Price not exceeding a reasonable Sum to be fixed by the Scheme.

Scheme when approved to be certified.

17. Every Scheme, when approved by the Commissioners, shall be certified by them, and sealed with their Common Seal.

18. Where the Commissioners certify a Scheme they shall cause printed Copies of it to be delivered to the Memorialists and to the Lord of the Manor and to the Local Authority, and shall also cause it, or a proper Abstract of it, to be published and circulated in such Manner as they think sufficient for giving Information to all Parties interested.

Printing and Publication of Scheme.

19. The Commissioners shall in the Month of February in every Year make a separate Report to Her Majesty of all their Proceedings under this Act, during the Year ending the Thirty-first Day of December then last past.

Annual Report to be laid before Houses of Parliament.

The Report shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament is then sitting, and if not, then within Fourteen Days after the next meeting of Parliament.

20. The Commissioners in such annual Report shall set forth in full every Scheme certified by them during the Year to which the Report relates, and shall state the Grounds of their Approval thereof, and the Objections, if any, made thereto and over-ruled, and all Proceedings had in respect of those Objections, and the Grounds on which they were over-ruled.

Contents of Report.

21. A Scheme certified by the Commissioners shall not of itself have any Operation, but the same shall have full Operation when and as confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Confirmation of Scheme by Act of Parliament.

22. If in the Progress through Parliament of a Bill confirming any Scheme certified by the Commissioners a Petition is presented to either House of Parliament against the Scheme, the Bill, as far as it relates to the Scheme petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose, as in Case of a Private Bill.

Reference of Scheme to Select Committee if opposed.

23. All Expenses incurred by the Commissioners in relation to any Memorial, or to any Scheme consequent thereon, shall be defrayed by the Memorialists or by the Local Authority, or by any Ratepayers or Inhabitants of the Parish or District, or of the Metropolis, or of the City or Town in or near to which the Common is situate, willing and offering to defray those Expenses; and the Commissioners may, if they think fit, on or at any Time after the Presentation of the Memorial, require the Memorialists or those Ratepayers or Inhabitants, or any of them, to pay to the Commissioners such Sum as the Commissioners think requisite for

Expenses of Scheme to be defrayed by Memorialists, &c.

for or on account of those Expenses, or to give Security to the Satisfaction of the Commissioners for the Payment of those Expenses on Demand.

Power for Local Authority to contribute for Purposes of Scheme.

24. The Local Authority may, in relation to any Suburban Common for which they are the Local Authority, contribute such Amount as they think fit (in a gross Sum or by annual Payments or otherwise) towards the Expenses of executing any Scheme under this Act when confirmed by Act of Parliament.

CLAUSE B. Expenses of Local Authority to be paid out of Local Rate.

25. All Expenditure incurred by a Local Authority under this Act shall be defrayed by them out of the Local Rate; and the Amount requisite in that Behalf shall be raised by means of the Local Rate accordingly.

Amendment of Schemes.

26. The Commissioners may from Time to Time approve and certify a Scheme for amending any Scheme confirmed by Act of Parliament, and all the Provisions of this Act relative to an original Scheme shall apply also to an amending Scheme, mutatis mutandis.

Provision for Cases of Disability.

27. Where any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, or is beyond the Seas, his or her Guardian, Trustee, Committee of the Estate, Husband, or Attorney (as the Case requires), or in default thereof a Person nominated in that Behalf by the Commissioners under their Common Seal (which Nomination they are hereby empowered to make as Occasion requires), shall for the Purposes of this Act be deemed to be substituted in the Place of such Lord, Commoner, or other Person.

Consent with respect to Crown or Duchy Rights.

28. Where any Estate, Interest, or Right in, over, or affecting a Common belongs to or is enjoyed by Her Majesty, Her Heirs or Successors, in right of the Crown, or forms Part of the Possessions of the Duchy of Lancaster or of the Duchy of Cornwall, any Consent for the Purposes of any Scheme under this Act may be given in respect of that Estate, Interest, or Right, as follows, namely,—

In the first-mentioned Case by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the Approval of the Commissioners of Her Majesty's Treasury:

In the secondly-mentioned Case by the Chancellor of the Duchy of Lancaster, by Writing under his Hand attested by the Clerk of the Council of the Duchy:

In the thirdly-mentioned Case by the Duke of Cornwall, or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy of Cornwall.

29. Any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common may, by a Power of Attorney in Writing under his Hand (which shall be exempt from Stamp Duty), appoint an Agent to act for him for the Purposes of any Memorial or Scheme under this Act.

Power for Lord of Manor, &c. to appoint Agent.

All Things by this Act directed or authorized to be done by or with relation to any Lord of a Manor, Commoner, or other Person as aforesaid may be lawfully done by or with relation to his Agent so appointed.

Every such Agent may, in the Name and on behalf of his Principal, sign, concur in, and execute any Memorial or Act, or signify Consent or Dissent on any Matter arising out of the Execution of this Act.

Every Person shall be bound by the Acts of any such Agent according to the Authority committed to him, as fully as if the Principal had himself acted.

Every such Power of Attorney, or a Copy thereof examined and authenticated as a true Copy by the Signature of a Witness or Witnesses, shall be deposited with the Commissioners.

Any such Power of Attorney may be in the Form given in the Second Schedule to this Act or to the like Effect.

30. Where any Estate, Interest, or Right in, over, or affecting a Common is by Deed conveyed for the Purposes of a Scheme under this Act, with the Approval of the Commissioners, the Provisions of the Act of the Ninth Year of the Reign of King George the Second (Chapter Thirty-six) "to restrain the Disposition of "Lands whereby the same become unalienable" shall not apply to the Conveyance.

Provision for Conveyance to Commissioners.

9 G. 2. c. 36.

31. Notwithstanding anything in any other Act, it shall be lawful for Her Majesty, Her Heirs or Successors, from Time to Time, for the Purposes of a Scheme under this Act, to grant to any Persons or Body, for such Estate or Interest, and on such Terms and subject to such Conditions as to Her Majesty, Her Heirs or Successors, seem meet, all or any Part or Parts of the open and uninclosed Lands being Wastes of the Royal Manor of East Greenwich in the County of Kent, and also to so grant all or any of the Rights of Common which Her Majesty, Her Heirs or Successors, has or have for the Time being in, over, or affecting any Suburban Common, and which might by Law be so granted by a private Person entitled absolutely thereto, and in every such Case such Persons or Body, their Heirs, Successors, Executors, or Administrators, shall have full Capacity to take and hold the same Lands or Rights.

Power for Crown to vest Manorial, &c. Rights in Commissioners.

Whenever it is the Pleasure of Her Majesty, Her Heirs or Successors, to make a Grant as aforesaid, the Commissioners of Her Majesty's Treasury may issue a Warrant to such Persons or Body.

Every such Warrant shall be exempt from Stamp Duty, and shall be inrolled as Conveyances of Lands forming Part of the Land Revenues of the Crown in England are required to be inrolled, and the Inrolment thereof shall be certified at the Foot or on the Back thereof by the proper Officer by whom the same is inrolled under his Hand, and the same when inrolled shall be returned with the Certificate of Inrolment to the Grantees named in the Warrant.

From and immediately after the Inrolment of the Warrant the Grantees by force of this Act shall be deemed to be in the actual Seisin or Possession of the Lands or Rights in the Warrant specified, and shall hold and enjoy the same, according to the Warrant, for the Purposes therein specified.

SCHE

SCHEDULES.

THE FIRST SCHEDULE.

Description of Local Authority and Local Rate.

The Metropolitan Police District	The Metropolitan Board of Works.	The Rate leviable for defraying the Expenses of the Board in the Execution of The Metropolis Management Act, 1855, and the Acts amending the same.
	The Vestry of the Parish in which the Common, or any Part thereof, is situated.	The Poor Rate.
Places within the Jurisdiction of Local Boards constituted in pursuance of The Public Health Act, 1848, and The Local Government Act, 1858, or One of them.	The Local Board	The General District Rate.
Boroughs (including Cities and other Places for the Time being subject to the Acts regulating Municipal Corporations in England) with the Exception of the Borough of Cambridge, not within the Jurisdiction of a Local Board.	The Mayor, Aldermen, and Burgesses (or Citizens) by the Council.	The Borough Rate (including any Fund, Rate, or Property applicable to the Purposes of the Borough Rate).
The Borough of Cambridge, and any City or Town not included in the foregoing Descriptions, and under the Management of Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of improving, cleansing, paving, lighting, or watching.	The Commissioners, Trustees, or other Persons empowered by the Local Act.	Any Rate leviable by such Commissioners, Trustees, or other Persons (including any Fund, Rate, or Property applicable by them to the Purposes of improving, cleansing, paving, lighting, or watching the City or Town).

THE SECOND SCHEDULE.

Form of Power of Attorney.

THE SUBURBAN COMMONS ACT, 1866.

I, *A.B.* of   in pursuance of the above-mentioned Act, appoint   of   to be my Agent for all the Purposes of that Act [*or for a specified Purpose under the Act*].

Dated this   Day of   18 .

(Signed) *A.B.*

Witness,
C.D.

Commons (Metropolis).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make Provision for the Improvement, Protection, and Management of Commons near the Metropolis and Cities and large Towns in England.

(*Prepared and brought in by Mr. Cowper and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed,*
16 *July* 1866.

[Bill 211.]

Under 2 oz.

A

B I L L

TO

Amend The Companies Act, 1862.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Further Power to certain Companies to alter Memorandum of Association.

1. In addition to the Powers conferred by Section Twelve of The Companies Act, 1862, on a Company limited by Shares to modify to the Extent therein mentioned the Conditions contained in its Memorandum of Association, any Company limited by Shares (incorporated either before or after the passing of this Act) may so far modify the Conditions contained in its Memorandum of Association, if authorized to do so by its Regulations as originally framed or as altered by Special Resolution in manner in the said Act provided, as to divide its Capital or any Part thereof into Shares of a less Amount than that fixed in the Memorandum of Association, but not of a less Amount in any Case than *Ten Pounds,* and may for that Purpose subdivide its several existing Shares, or any of them, into Two or more Shares, but so that any Share created by such Subdivision be not in any Case of a less Amount than *Ten Pounds.*

2. Every

Notice to Registrar.

2. Every Company that alters the Division of its Capital under the Authority of this Act shall give Notice of such Alteration to the Registrar of Joint Stock Companies.

Provision for Liability of Members.

3. The Subdivision of an existing Share, under the Authority of this Act, shall not operate to relieve a Member of the Company from any Liability to which he was subject in respect of that Share before its Subdivision.

Construction and Short Title.

4. This Act shall be construed as One Act with The Companies Act, 1862, and may be cited as The Companies Act Amendment Act, 1866.

Companies Act (1862) Amendment.

A

B I L L

To amend The Companies Act, 1862.

(*Prepared and brought in by*
Mr. Milner Gibson, Mr. Monsell, and Mr. Brand.)

Ordered, by The House of Commons, *to be Printed,*
7 *May* 1866.

[Bill 139.]

Under 1 *oz.*

[To be substituted for the
ill [143.] already delivered.]

A

BILL

FOR

The Abolition of compulsory Church Rates.

Preamble.

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling: And whereas it is expedient that the Power to compel Payment of Church Rates by any legal Process should be abolished:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Compulsory Church Rates abolished.

1. From and after the *passing of this Act* no Suit shall be instituted or Proceeding taken in any Ecclesiastical or other Court, or before any Justice or Magistrate, to enforce or compel the Payment of any Church Rate made in any Parish or Place in England or Wales.

Saving where Money due on Security of such Rates.

2. Provided always, That in any Parish where a Sum of Money is at the Time of the passing of this Act due on the Security of

Church Rates to be made or levied in such Parish under the Provisions of any Act of Parliament, or where any Money in the Name of Church Rate is ordered to be raised under any such Provisions, such Rates may still be made and levied, and the Payment thereof enforced by Process of Law, pursuant to such Provisions for the Purpose of paying off the Money so due, but not otherwise, until the same shall have been liquidated: Provided also, that the Accounts of the Churchwardens of such Parish in reference to the Receipt and Expenditure of the Monies levied under such Acts shall be audited annually by the Auditor of the Poor Law Union within whose District such Parish shall be situate.

Church Rate already made may be recovered.

3. Any Church Rate made at any Time before the *passing of this Act* may be collected and recovered in the same Way as if this Act had not been passed.

Where no Trust Fund for Church Maintenance and Repair Parishioners may assess a voluntary Rate.

4. Notwithstanding anything in this Act contained, it shall be lawful, in any Parish wherein there shall be no sufficient Trust Fund or Endowment applicable to and adequate for the Maintenance of the Church and Churchyard and the Fabric and Services thereof, for the Parishioners in Vestry assembled, being qualified to vote as herein-after mentioned, to assess a voluntary Rate upon the Owners or Occupiers of Property within such Parish for any Purpose for which Church Rates might heretofore lawfully have been made; and such voluntary Rate may be made in the same Manner as Church Rates have been heretofore made, except as herein is otherwise provided.

Inhabitant Householders in Ecclesiastical Districts not being Parishes may assess a voluntary Rate.

5. The Inhabitant Householders and Occupiers of Land within any Ecclesiastical District, not being a Parish, (and wherein there shall be no such sufficient Trust Fund or Endowment as aforesaid,) in Vestry assembled, being qualified to vote as herein-after mentioned, shall have the same Power of assessing a voluntary Rate upon the Owners or Occupiers of Property within such District for the Purposes aforesaid as if such Ecclesiastical District had been a separate Parish; and for the Purpose of every voluntary Assessment under this Act every separate Parish and Ecclesiastical District formed out of any ancient Parish shall be deemed to be excluded from, and to form no Part of, such ancient Parish.

If at any Vestry for assessing such voluntary Rate Poll demanded Names of

6. If at any Vestry at which any Proposal shall be offered for the Purpose of assessing any such voluntary Rate a Poll shall be demanded, all the Votes taken at such Poll shall be entered in Writing in a Book or Schedule, which shall be headed as follows: "We, the undersigned, being ready and willing to pay our respec-" "tive Shares of such voluntary Rate, if any, as may be determined

" upon by the Majority of Votes at the Poll now taken, do hereby " give our Votes upon the Question on which a Poll has been " demanded;" and every Person voting at such Poll shall sign his Name or Mark in such Book or Schedule in such Place or Manner as shall be proper to signify the Vote which he may desire to give.

Voters to be entered in a Book.

7. All Funds to be raised by means of any such voluntary Assessment as aforesaid shall be paid to the Churchwardens or Chapelwardens of such Parish or District, and shall be expended for the Purposes for which the same shall have been assessed by Churchwardens or Chapelwardens, with the Concurrence of the Rector, Vicar, Perpetual Curate, or other Incumbent of such Parish or District, and an Account of such Expenditure shall, once at least in every Year, be rendered by such Treasurer to the Parishioners or Inhabitants in Vestry assembled of such Parish or District.

Funds so raised to be paid to Churchwardens.

8. If any Person who may be assessed to any such voluntary Rate in respect of any Property within any such Parish or District shall have declined or omitted to pay the same for the Space of *Six Months* after the same shall have been declared payable by the Terms of the Resolution for making the same, and after he shall have been duly requested to pay the same, such Person shall thenceforth be deemed to have elected to become and shall be disqualified and ineligible for the Office of Churchwarden for ecclesiastical Purposes, or of Chapelwarden in the said Parish or District, and shall not be entitled to vote at any Meeting of the Parishioners or Inhabitants in Vestry assembled of the said Parish or District upon any Question relating solely to the Election of any Churchwarden for ecclesiastical Purposes, or of any Chapelwarden, or to the Repairs, Rebuilding, Ornaments, Ministers, or Services of the Church of the said Parish or District, or to the Care and Maintenance of the Churchyard of the said Parish or District (not being a Cemetery or Part of a Cemetery vested in any Burial Board), or to any voluntary Rate assessed, or proposed to be assessed, for the Purpose aforesaid upon the Owners or Occupiers of Property within such Parish or District under this Act, or to the Application or Disposal of any Monies raised or to be raised by means of any such voluntary Rate; and no such Person shall be entitled to demand as of Right that any Seat or Portion of the Church be allotted, assigned, or appropriated to him by the Churchwardens: Provided always, that it shall be lawful for any such Person at any Time afterwards to pay or tender Payment of the full Amount of any such Assessments or Assessment which may have been made during the Three Years

Any Person assessed neglecting to pay to be deemed disqualified for Office of Churchwarden, &c.

last preceding, and which he shall have so previously declined or omitted to pay as aforesaid, to the Churchwardens or Chapelwardens of the said Parish or District; and upon such Payment being so made or tendered such Person shall thenceforth be entitled to the same Rights in all respects as he would have had and enjoyed as a Parishioner or Inhabitant of such Parish or District or otherwise if he had in the first instance voluntarily paid his Share of all such Assessments.

Election of Churchwarden.

9. If at any Election of a Churchwarden by the Parishioners of any Parish at which a Poll shall be taken it shall appear that the Person chosen by the Majority of Votes of the Parishioners generally has not obtained the Majority of Votes of the Parishioners voting at such Election who have duly paid all voluntary Rates assessed under this Act (excluding those who have declined or omitted to pay such Rates), the Person so chosen by the Majority of Votes of the Parishioners generally shall be deemed to be and shall be solely entitled to act as the Churchwarden elected by the Parishioners for all secular Purposes; and the Person who has obtained the Votes of a Majority of the Parishioners voting at such Election who have duly paid all such voluntary Rates as aforesaid shall be deemed to be and shall be solely entitled to act as the Churchwarden elected by the Parishioners for all ecclesiastical Purposes.

Interpretation.

10. In the Construction of this Act all Functions and Duties which by Law ought to be performed by Churchwardens in or about the Church or the Churchyard, or with reference to the Ordinary or the Ministers, the Ornaments or the Services of the Church, or the Repairs or rebuilding thereof, or the Application or Expenditure of any Monies collected during Divine Service, or any Fund exclusively applicable under any Trust or otherwise howsoever towards the Repair of the Fabric of the Church or Chancel, or towards the Maintenance of the Services of the Church, or with reference to or in aid of the Visitations of Bishops or Archdeacons, shall be deemed to be ecclesiastical Purposes; and all other Functions and Duties which by Law ought to be performed in any Parish by Churchwardens shall be deemed to be secular Purposes; and no Churchwarden elected by the Parishioners of any Parish for secular Purposes only shall be required to make the Declaration before the Ordinary which is now required by Law.

Short Title.

11. This Act may be cited as "The Compulsory Church Rate Abolition Act, 1866."

[To be substituted for the
Bill [143.] already delivered.]

Compulsory Church Rate Abolition.

A

B I L L

For the Abolition of compulsory Church Rates.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer,
Sir George Grey, Mr. Milner Gibson, and
Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1866.

[Bill 143.]

Under 1 *oz.*

A

BILL

TO

Amend an Act to consolidate the Laws relating to the Constabulary Force in Ireland.

Preamble.
6 W. 4. c. 13.
6 & 7 W. 4. c. 36.
2 & 3 Vict. c. 75.
10 & 11 Vict. c. 100.
11 & 12 Vict. c. 72.

WHEREAS it is expedient further to amend the Laws relating to the Constabulary Force in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Interpretation Clause.

1. The following Terms in this Act have the Meanings herein-after assigned to them; (that is to say,)

"Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of Ireland:

"Members of the Constabulary Force" means Inspector General, Deputy Inspector General, Assistant Inspectors General, Commandant of the Depôt, Surgeon, and every County Inspector, Sub-Inspector, Barrack Master of the Depôt, Head Constable, Constable, and Sub-Constable of Constabulary in Ireland:

"Head and other Constables" means every Head Constable, Constable, Acting Constable, and Sub-Constable of Constabulary in Ireland.

Power to Lord Lieutenant to fix revised Salaries for Constabulary Force.

2. It shall be lawful for the Lord Lieutenant to fix and appoint such revised annual Salaries as to him may from Time to Time seem proper, not exceeding the several Sums herein-after specified, to be paid in such Manner and subject to such Regulations and Provisions as he may direct, to the several Persons herein-after mentioned; (that is to say,)

1. To each County Inspector of the First Class, an annual Salary not exceeding *Three hundred Pounds:*
2. To each County Inspector of the Second Class, an annual Salary not exceeding *Two hundred and seventy Pounds:*
3. To each Sub-Inspector of the First Class, an annual Salary not exceeding *Two hundred Pounds:*
4. To each Sub-Inspector of the Second Class, an annual Salary not exceeding *One hundred and fifty Pounds:*
5. To each Sub-Inspector of the Third Class, an annual Salary not exceeding *One hundred and twenty-five Pounds:*
6. To each Head Constable Major, an annual Salary not exceeding *Eighty Pounds:*
7. To each Head Constable of the First Class, an annual Salary not exceeding *Seventy Pounds Four Shillings:*
8. To Twelve Head Constables of the First Class, of long Service or superior Merit, but ineligible for further Promotion, an Addition to their respective Salaries of *Ten Pounds* per Annum each, making their total Salaries respectively *Eighty Pounds Four Shillings* per Annum each:
9. To each Head Constable of the Second Class, an annual Salary not exceeding *Sixty-one Pounds Two Shillings:*
10. To Twelve Head Constables of the Second Class, of long Service or superior Merit, but ineligible for further Promotion, an Addition of *Ten Pounds* per Annum, making their total Salaries respectively *Seventy-one Pounds Two Shillings* per Annum:
11. To each Constable, an annual Salary not exceeding *Forty-nine Pounds Eight Shillings:*
12. To Fifteen Constables, of long Service or superior Merit, but ineligible for Promotion, an Addition of *Four Pounds* per Annum each, making their total Salaries *Fifty-three Pounds Eight Shillings* per Annum each:
13. To each Acting Constable, an annual Salary not exceeding *Forty-four Pounds Four Shillings:*
14. To each Sub-Constable under Six Months Service, an annual Salary not exceeding *Thirty-one Pounds Four Shillings:*
15. To each Sub-Constable of Six Months and under Six Years Service, an annual Salary not exceeding *Thirty-six Pounds Eight Shillings:*

16. To each Sub-Constable of Six Years and under Twelve Years Service, an annual Salary of *Thirty-nine Pounds :*
17. To each Sub-Constable of Twelve Years and under Twenty Years Service, an annual Salary of *Forty-one Pounds Twelve Shillings :*
18. To each Sub-Constable of Twenty Years Service and upwards, an annual Salary of *Forty-two Pounds Eighteen Shillings :*

Such increased Salaries to take effect from and after the First Day of April One thousand eight hundred and sixty-six, and to be in addition to the Good-Service Pay at present authorized, viz., to Five County Inspectors, *Fifty Pounds* per Annum each; to Six Sub-Inspectors of the First Class, *Thirty Pounds* per Annum each; and to Twenty-three Sub-Inspectors, whether of the Second or Third Class, *Twelve Pounds* per Annum each; such increased Salaries to be payable to such Persons only as had not ceased to be Members of the Constabulary Force before the First Day of July One thousand eight hundred and sixty-six:

Long-Service Allowances to be discontinued.

Provided always, that from the Date at which Payments at the Rates herein-before mentioned shall take effect, all Long-Service Allowances received before the passing of this Act by any Member of the Constabulary Force shall be discontinued, with the Exception of the Sub-Inspectors of the Second Class transferred from the Revenue Police to the Constabulary, or any other Sub-Inspectors of the Second Class at any Time in receipt of *Thirty-six Pounds* per Annum Long-Service Pay, who shall be paid at the Rate of their present Salaries with their present Long-Service Pay, until promoted to the Rank of Sub-Inspector of the First Class, when they shall be paid at the same Rate as the other Sub-Inspectors of that Class are authorized to be paid under this Act.

10 & 11 Vict. c. 100. s. 2. Deduction for Superannuation Fund to cease.

3. And whereas by an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty (Chapter One hundred), Regulations were made for the Formation of a Superannuation Fund for the Constabulary Force by a Deduction of Two Pounds per Centum per Annum from the Salary of each Member of such Force: Be it enacted, That from and after the passing of this Act such Deduction for such Superannuation Fund shall cease to be made.

Power to Lord Lieutenant to superannuate Head and other Constables.

4. And whereas it is expedient that the existing System of Superannuation Allowances to the Constabulary Force should be revised, so far as relates to Members of the said Force appointed after the passing of this Act: Be it enacted, That it shall be lawful for the Lord Lieutenant, under the Conditions herein-after mentioned, to direct that any Head or other Constable so appointed may be superannuated, and receive a Gratuity or yearly Pension, not

Power to Lords of Treasury, on Recommendation of Lord Lieutenant, to superannuate Officers of Force.

exceeding the Proportion of his Salary stated in the Scale herein-after mentioned; and it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, upon the Recommendation of the Lord Lieutenant, to direct that any Officer of the Constabulary Force, that is to say, any Inspector General, Deputy Inspector General, Assistant Inspector General, Commandant of the Depôt, Surgeon, County Inspector, Barrack Master of the Depôt, or Sub-Inspector, appointed after the passing of this Act, may be superannuated, and may receive a Gratuity or yearly Pension, not exceeding the Proportion of his Salary stated in the Scale herein-after mentioned; that is to say,

Scale of Superannuation.

1. A Gratuity of *One Month's* Pay for each Year's Service after Five Years and less than Fifteen Years:
2. On Completion of Fifteen Years Service, an annual Pension of *Fifteen Fiftieths* of the Pay may be granted, and an Increase of *One Fiftieth* for each successive Year up to Thirty Years Service completed:
3. After Thirty Years Service, or after the Person to be superannuated has attained the Age of Sixty Years, the Pension to be equal to *Thirty Fiftieths* of the Pay, or a larger Proportion in Cases of extraordinary Merit or good Conduct:
4. For Injuries received at any Time in the actual Performance of Duty a Pension for Life may be granted of an Amount in proportion to the Injury received, but not exceeding the full Pay; the Grounds of Disability to be carefully investigated and fully set forth in the Authority granting the Pension.

Conditions of Superannuation.

5. No such Pension, Retiring Allowance, or Gratuity shall be granted in any Case, except on the Certificate of the Surgeon of the Force, or such other competent Medical Officer or Officers as the Lord Lieutenant shall name for the Purpose, that the Party is, from mental or bodily Incapacity, unable to perform his Duty any longer, and the Certificate of the Inspector General (or in the Case of the Inspector General's Superannuation, then on the Certificate of the Chief Secretary to the Lord Lieutenant), that he has served with Diligence and Fidelity; provided that any Member of the Force who shall have attained the Age of *Sixty Years* or upwards may, upon his Petition, be superannuated without such Medical Certificate.

Pension liable to be forfeited for Misconduct.

6. Such Pension or Retiring Allowance shall be granted only upon the Condition that it becomes forfeited and may be withdrawn by the Lord Lieutenant in any of the following Cases:

1. On Conviction of the Grantee for any indictable Offence:
2. On his knowingly associating with suspected Persons, Thieves, or other Offenders:
3. On his refusing to give Information and Assistance to the Police whenever in his Power, for the Detection and Apprehension of Criminals, and for the Suppression of any Disturbance of the Public Peace:
4. If he enter into or continue to carry on any Business, Occupation, or Employment which shall be, in the Opinion of the Lord Lieutenant, disgraceful or injurious to the Public, or in which he shall make use of the Fact of his former Employment in the Police Force in a Manner which the Lord Lieutenant considers to be discreditable and improper:

Provided always, that nothing herein contained shall entitle any Member of the Constabulary Force absolutely to any Superannuation Allowance, nor prevent him from being dismissed or discharged for Misconduct or other sufficient Cause, without Superannuation Allowance.

Saving the Rights of the Officers and Men of the Constabulary Force in Ireland appointed before the passing of this Act.

7. And whereas it is expedient that the present Members of the Constabulary Force should continue to be entitled to receive Superannuation Allowances calculated upon the Scale existing before the passing of this Act, and upon the present Scale of Pay: Be it therefore enacted, That the Provisions of an Act passed in the Tenth and Eleventh Years of Her Majesty, Chapter One hundred, intituled "An Act to regulate the Superannuation Allowances of the Constabulary Force in Ireland and the Dublin Metropolitan Police," shall apply to the Members of the Constabulary Force in Ireland appointed before the passing of this Act, as fully and effectually as if this Act had not been passed.

Increase of Deduction for Revenue Fund.

8. And whereas by an Act passed in the Sixth Year of the Reign of King William the Fourth, a Fund was established called "The Police Reward Fund," to be raised in part by a Deduction of Ten Shillings per Cent. on the Salary of each Member of the Force: Be it enacted, That from and after the passing of this Act the said Deduction shall be increased to *Thirty Shillings* per Cent. on such Salaries, and a Deduction not exceeding *Twenty Shillings* per Cent. shall also be made on the Pensions of all Members of the Force superannuated after the passing of this Act, who, on their Retirement from active Service, shall give Notice to the Receiver of their Desire to keep up their Subscription to the said Reward Fund for the Benefit of their Widows and Children; all such Deductions to be paid to the said Police Reward Fund, and form Part thereof.

Application of Reward Fund.

9. And whereas by the Seventh Section of an Act passed in the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred, the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, are empowered to direct the Application of any Surplus of the Reward Fund to the Payment of Pensions, Superannuations, and Allowances to Members of the Constabulary Force: Be it enacted, That any Surplus now remaining of the said Fund, or which may thereunto hereafter accrue, shall not be applied in the Manner aforesaid, anything in the said Section to the contrary notwithstanding; and the said Reward Fund shall be available for the Reward of meritorious Members of the Constabulary Force, and also for the Relief of the Widows and Children of the Members of such Force, under such Regulations as the Lord Lieutenant may from Time to Time make.

Additional Pay of Mounted Men of the Constabulary Force, and those performing Duty in Belfast.

10. And be it enacted, That it shall be lawful for the Lord Lieutenant (if he shall so think fit), to order and direct that *One Shilling* per Week shall be added to the Pay of the Mounted Men of the Constabulary Force, and also to the Pay of the Head and other Constables stationed at Belfast, with a view to meet the extra Expense for Lodging and Living to which they are exposed as compared with the Remainder of the Force.

Town Inspector of Belfast to receive additional Pay.

11. And be it enacted, That the Town Inspector of Belfast shall receive an Allowance of *Fifty Pounds* a Year, in addition to his Salary.

Rate of Charge on Counties, Boroughs, and Towns, for extra Constabulary Force.

12. From and after the passing of this Act, in all Cases where by the Laws now in force One Moiety of the Costs and Expenses of any Constabulary Force is chargeable to any County, or any Part or District of a County, or any County of a City or County of a Town, or any Borough or Town in Ireland, there shall be charged to each such County, Part or District of such County, County of a City, County of a Town, Borough, or Town per Annum:

1. For each Sub-Inspector One Moiety of the Sum of *One hundred and sixty-seven Pounds Nine Shillings and Threepence:*
2. For each Head Constable One Moiety of the Sum of *Seventy-nine Pounds Fifteen Shillings and Sevenpence:*
3. For each Constable or Sub-Constable One Moiety of the Sum of *Fifty-two Pounds Nineteen Shillings and Tenpence:*

And so on in proportion for each fractional Part of a Year.

And in all Cases where, under the Laws now in force, the whole of the Costs and Expenses of any Constabulary Force is chargeable to any County, or any Part or District of a County, or any County of a City or County of a Town, or any Borough or Town, in Ireland, there shall be charged to each such County, or Part or District of such County, or County of a City, County of a Town, Borough, or Town, per Annum the full Cost of such Constabulary Force, calculated upon the Scale last-mentioned, and so in proportion for each fractional Part of a Year.

Rate of Charge upon Public Companies for Constabulary Protection.

13. From and after the passing of this Act, in all Cases where Members of the Constabulary Force shall be required to keep the Peace in the Neighbourhood of Railway Works or other Public Works in Ireland, the Costs and Expenses of such Members shall be charged upon the Company or other Parties carrying on such Railway or other Public Works, according to the Scale herein-before provided.

Extra Force how to be charged.

14. From and after the passing of this Act, in all Cases where under the Laws now in force, the Quota of Men fixed for any County, County of a City, County of a Town, or Borough, by "The Constabulary (Ireland) Amendment Act, 1865," shall be increased by an extra Force, whether as a permanent Augmentation or as a temporary Addition thereto, One Moiety of the Costs and Expenses of such extra Force shall be charged to and be payable by such County, County of a City, County of a Town or Borough: Provided always, that in case Vacancies shall occur in the said Force so augmented, there shall be deducted from the Number of such extra Force to be charged as aforesaid as many Constables as shall bear the same Proportion to the whole Number of Vacancies in the said augmented Force that the extra Force bears to the whole Number of such augmented Force.

Reduction of Charge in case of Vacancies.

Provision in case of Abolition of Office of Constabulary Receiver.

15. It shall be Lawful for the Commissioners of Her Majesty's Treasury to make such Arrangements for the Regulation or Abolition of the Office of Receiver of the Constabulary and for the Transfer of the Powers vested in him, and for the Transfer and Regulation of the Duties assigned to him by virtue of an Act passed in the Sixth Year of the Reign of King William the Fourth, Chapter Thirteen, and of subsequent Acts, as they shall from Time to Time consider expedient, anything in the said Act or subsequent Acts to the contrary notwithstanding.

Constabulary Force (Ireland).

A

B I L L

To amend an Act to consolidate the Laws relating to the Constabulary Force in Ireland.

(*Prepared and brought in by*
Mr. Dodson, Mr. Hunt, and Lord Naas.)

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1866.

[Bill 224.]

Under 1 *oz.*

Contagious Diseases Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

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2. Interpretation.
3. Commencement and Operation of Act.

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6. Appointment of Visiting Surgeon and Assistant.

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7. Appointment of Inspector of Hospitals.

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8. Provision by Admiralty, &c. of Hospitals.
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CLAUSES.

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18. Certificate of Visiting Surgeon.
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21. Power to transfer to another Hospital.
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23. During Conveyance to Certified Hospital, &c. Woman in legal Custody.

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25. Application for Relief from Examination.
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27. Forfeiture of Recognizance by Return to Prostitution.

Penalties on Publicans, &c.

28. Penalties for permitting Prostitute having contagious Disease to resort to any House, &c. for Prostitution.

Procedure, &c.

29. Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.
30. Forms in Second Schedule to be used.
31. Instruments may be in Print, &c.
32. Presumption as to Signatures.
33. Mode of Service.
34. Limitation of Actions, &c.
SCHEDULES.

A

BILL

FOR

The better Prevention of Contagious Diseases at certain Naval and Military Stations.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Contagious Diseases Act, 1866. Short Title.

2. In this Act— Interpretation.

The Term "Contagious Disease" means Venereal Disease, including Gonorrhœa:

The Term "Police" means Metropolitan Police or other Police or Constabulary authorized to act in any Place to which this Act applies:

The Term "Superintendent" includes Inspector:

The Term "Chief Medical Officer" means the principal Physician or Surgeon for the Time being attached to or doing Duty at a Hospital:

The Term "Justice" means a Justice of the Peace having Jurisdiction in the County, Borough, or Place where the Matter requiring the Cognizance of a Justice arises:

The Term "Two Justices" means Two or more Justices assembled and acting together, and includes any Police or Stipendiary Magistrate or other Justice having by Law for any Purpose the Powers of Two Justices.

Commencement and Operation of Act.

27 & 28 Vict. c. 85.

3. This Act shall commence from and immediately after the *Thirtieth Day of September One thousand eight hundred and sixty-six*, and on the Commencement of this Act The Contagious Diseases Prevention Act, 1864, shall cease to operate; but the Discontinuance of that Act by this Act shall not affect the Validity or Invalidity of anything done or suffered before the Commencement of this Act; and that Discontinuance or anything in this Act shall not apply to or in respect of any Offence, Act, or Thing committed or done or omitted before the Commencement of this Act; and every such Offence, Act, or Thing shall after and notwithstanding the Commencement of this Act have the same Consequences and Effect in all respects as if The Contagious Diseases Prevention Act, 1864, had not been discontinued.

Every Order of a Justice under the said Act shall remain in force as if this Act had not been passed.

Every Hospital certified under the said Act shall continue to be a Certified Hospital, for the Purposes of this Act, for *Three Months* after the Commencement of this Act, unless before the Expiration of that Time the Certificate is withdrawn or the Hospital is certified under this Act; and every Hospital certified under this Act shall be deemed a Certified Hospital for the Purposes of the said Act, as long as the Operation thereof continues for any Purpose under this Act.

Extent of Act.

Act to extend only to Places in Schedule.

4. The Places to which this Act applies shall be the Places mentioned in the First Schedule to this Act, the Limits of which Places shall for the Purposes of this Act be such as are defined in that Schedule.

Expenses of Execution of Act.

Expenses of Act to be defrayed by Admiralty, &c.

5. Expenses incurred in the Execution of this Act shall be paid under the Direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral (hereafter in this Act styled the Admiralty) and of such One of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the Time being to intrust with the Seals of the War Department

ment (hereafter in this Act styled the Secretary of State for War) out of Money to be provided by Parliament for that Purpose.

Visiting Surgeons.

Appointment of Visiting Surgeon and Assistant.

6. The Admiralty and the Secretary of State for War may, on the Commencement of this Act, appoint a Medical Officer for each of the Places to which this Act applies, to be, during Pleasure, Visiting Surgeon there for the Purposes of this Act, and may from Time to Time, on the Death, Resignation, or Removal from Office of any Visiting Surgeon, appoint another such Officer in his Stead.

The Admiralty and the Secretary of State for War may, from Time to Time as Occasion requires, appoint a Medical Officer to be the Assistant of any such Visiting Surgeon; and every such Assistant shall have the like Powers and Duties as the Visiting Surgeon to whom he is appointed Assistant.

A Notice of the Appointment of every such Visiting Surgeon and of every such Assistant shall be published in the London or Dublin Gazette according as the Place for which he is appointed is in England or in Ireland.

A Copy of the Gazette containing such a Notice shall be conclusive Evidence of the Appointment.

Inspector of Hospitals.

Appointment of Inspector of Hospitals.

7. The Admiralty and the Secretary of State for War shall, on the Commencement of this Act, appoint a Medical Officer to be, during Pleasure, Inspector of Certified Hospitals under this Act, and shall from Time to Time, on the Death, Resignation, or Removal from Office of any such Inspector, appoint another such Officer in his Stead.

The Admiralty and the Secretary of State for War may, from Time to Time as Occasion requires, appoint a Medical Officer to be an Assistant Inspector of Certified Hospitals under this Act, which Assistant shall have the like Powers and Duties as the Inspector.

A Notice of the Appointment of every such Inspector and of every such Assistant shall be published in the London Gazette.

A Copy of the Gazette containing such a Notice shall be conclusive Evidence of the Appointment.

Certified Hospitals.

Provision by Admiralty, &c. of Hospitals.

8. The Admiralty and the Secretary of State for War may from Time to Time provide any such Buildings or Parts of Buildings as they think fit as Hospitals for the Purposes of this Act, and any Building or Part of a Building so provided by them and certified by them in Writing to be so provided shall be deemed a Certified Hospital under this Act.

Power to certify other Hospitals.

9. The Admiralty and the Secretary of State for War may from Time to Time, on such Application or with such Consent as they think requisite, and on the Report of the Inspector of Hospitals, certify in Writing any Building or Part of a Building not provided by them as a Hospital to be useful and efficient as a Hospital for the Purposes of this Act, and thereupon that Building or Part of a Building shall be deemed a Certified Hospital under this Act.

Inspection of Hospitals.

10. The Inspector of Hospitals shall from Time to Time visit and inspect every Certified Hospital.

Power to withdraw Certificate.

11. The Admiralty and the Secretary of State for War may at any Time, if they think fit, by Declaration in Writing, declare the Certificate relative to any Certified Hospital withdrawn as from a Time specified in the Declaration, and thereupon the same shall cease to be a Certified Hospital as from the Time so specified.

Certificate and Declaration of Withdrawal to be gazetted.

12. Every Certificate and every Declaration of Withdrawal of a Certificate relative to any Hospital under this Act shall be published in the London or Dublin Gazette, according as the Hospital to which the Certificate or Declaration relates is in England or in Ireland.

A Copy of the Gazette containing any such Certificate or Declaration shall be the sole and conclusive Evidence of such Certificate or Declaration.

Every Certificate proved to have been made shall be presumed to be in force until the Withdrawal thereof is proved.

Periodical Medical Examinations.

On Information, Justice may issue Notice to Woman.

13. Where an Information charging that a Woman therein named, and being resident or found within the Limits of any Place to which this Act applies, is a Common Prostitute, is laid before a Justice by a Superintendent of Police, the Justice may, if he thinks fit, issue a Notice thereof addressed to such Woman, which Notice the Superintendent of Police shall cause to be served on her.

Justice may order periodical Medical Examination.

14. In either of the following Cases, namely,—

If the Woman on whom such a Notice is served appears herself, or by some Person on her Behalf, at the Time and Place appointed in the Notice, or at some other Time and Place appointed by Adjournment;—

If she does not so appear, and it is shown (on Oath) to the Justice present that the Notice was served on her a reasonable Time before the Time appointed for her Appearance, or that reasonable Notice of such Adjournment was given to her (as the Case may be);—

The Justice present, on Oath being made before him substantiating the Matter of the Information to his Satisfaction, may, if he thinks fit, order that the Woman be subject to a periodical Medical Examination by the Visiting Surgeon, for the Purpose of ascertaining at the Time of each such Examination whether she is affected with a contagious Disease; and thereupon she shall be subject and is hereby subjected to such a periodical Medical Examination, and the Order shall be a sufficient Warrant for the Visiting Surgeon to conduct such Examination accordingly.

The Superintendent of Police shall cause a Copy of the Order of the Justice to be served on the Woman.

Voluntary Submission by Woman.

15. Any Woman, in any Place to which this Act applies, may voluntarily, by a Submission in Writing signed by her in the Presence of and attested by the Superintendent of Police, subject herself to a periodical Medical Examination under this Act.

Regulations as to Examinations.

16. Subject to the Provisions of this Act, the Admiralty and the Secretary of State for War may from Time to Time make such Regulations as seem fit respecting the Times and Places of Medical Examinations under this Act, and generally respecting the Arrangements for the Conduct of those Examinations; and all such Regulations from Time to Time in force for any Place to which this Act applies shall be communicated, under the Direction of the Admiralty and the Secretary of State for War, to the Clerk of the Peace, Town Clerk (if any), Clerk of the Justices, Visiting Surgeon, and Superintendent of Police there.

Notice to Woman of Times and Places of Examination.

17. The Superintendent of Police shall cause Notice to be served on every Woman subjected to a periodical Medical Examination under this Act of the Times and Places at which she is required to attend for such Examination.

Proof of the due Service of such Notice shall be Evidence of the Validity of the Directions therein contained.

Detention in Hospital.

Certificate of Visiting Surgeon.

18. If on any such Examination the Woman examined is found to be affected with a contagious Disease, the Visiting Surgeon shall sign a Certificate to that Effect, naming the Certified Hospital in which she is to be placed; and the Visiting Surgeon shall make that Certificate in Triplicate, and shall cause One of the Originals to be delivered to the Woman and the others to the Superintendent of Police.

Placing in Certified Hospital for Treatment.

19. The Admiralty and the Secretary of State for War may from Time to Time make such Provisions as seem fit for the Conveyance to a Certified Hospital of any Woman to whom any such Certificate of the Visiting Surgeon relates; and any such Woman may, if she thinks fit, proceed to the Certified Hospital named in that Certificate, and place herself there for Medical Treatment, but if for *Twelve* Hours after the Examination she neglects or refuses to do so, the Superintendent of Police, or a Constable acting under his Orders, shall apprehend her, and convey her with all practicable Speed to that Hospital, and place her there for Medical Treatment, and the Certificate of the Visiting Surgeon shall be a sufficient Authority to him for so doing.

Detention in Hospital.

20. Where a Woman certified by the Examining Surgeon to be affected with a contagious Disease places herself, or is placed as aforesaid, in a Certified Hospital for Medical Treatment, she shall be detained there for that Purpose by the Chief Medical Officer of the Hospital until discharged by him by Writing under his Hand.

The Certificate of the Examining Surgeon, One of the Three Originals whereof shall be delivered by the Superintendent of Police to the Chief Medical Officer, shall, when so delivered, be sufficient Authority for such Detention.

Power to transfer to another Hospital.

21. The Inspector of Hospitals may, if in any Case it seems to him expedient, by Order in Writing signed by him, direct the Transfer of any Woman detained in a Certified Hospital for Medical Treatment from that Certified Hospital to another named in the Order.

Every such Order shall be made in Triplicate, and One of the Originals shall be delivered to the Woman and the others to the Superintendent of Police.

Every such Order shall be sufficient Authority for the Superintendent of Police or any Person acting under his Orders to transfer the Woman to whom it relates from the one Hospital to the other, and to place her there for Medical Treatment; and she shall be detained there for that Purpose by the Chief Medical Officer of the Hospital until discharged by him by Writing under his Hand.

The Order of the Inspector of Hospitals, One of the Originals whereof shall be delivered by the Superintendent of Police to the

Chief Medical Officer of the Hospital to which the Transfer is made, shall when so delivered be sufficient Authority for such Detention.

Limitation of Detention.

22. Provided that any Woman shall not be detained under this Act for a longer Time in the whole than *Three Months*, unless the Chief Medical Officer of the Hospital in which she is detained, and the Inspector of Certified Hospitals, or the Visiting Surgeon for the Place whence she came or was brought, conjointly certify that her further Detention for Medical Treatment is requisite (which Certificate shall be in Duplicate, and One of the Originals thereof shall be delivered to the Woman); and in that Case she may be further detained in the Hospital in which she is at the Expiration of the said Period of *Three Months* by the Chief Medical Officer until discharged by him by Writing under his Hand; but so that any Woman be not so detained for a longer Time in the whole than *Six Months*, unless, by a Submission in Writing, she consents to be so detained for a further Time therein specified, not exceeding *One Month*, which Submission may be renewed from Time to Time; and during the Continuance of any such Submission such Woman may be detained thereunder, in like Manner as she was originally liable to be detained under the Certificate of the Visiting Surgeon.

During Conveyance to Certified Hospital, &c., Woman in legal Custody.

23. Every Woman conveyed or transferred under this Act to a Certified Hospital shall, while being so conveyed or transferred thither, and also while detained there, be deemed to be in the proper legal Custody, notwithstanding that she is for that Purpose removed out of one into or through another Jurisdiction, or is detained in a Jurisdiction other than that in which the Certificate of the Visiting Surgeon was made.

Refusal to be examined, &c.

Punishment for refusing to be examined, &c.

24. In the following Cases, namely,—

If any Woman being subject under this Act to periodical Medical Examination refuses or wilfully neglects at any Time duly to submit herself to such Examination:

If any Woman authorized by this Act to be detained in a Certified Hospital for Medical Treatment quits the Hospital without being discharged therefrom by the Chief Medical Officer thereof by Writing under his Hand (the Proof whereof shall lie on the Accused):

If any Woman authorized by this Act to be detained in a certified Hospital for Medical Treatment, or any Woman being in a

Certified Hospital under Medical Treatment for a contagious Disease, refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof:

Then and in every such Case such Woman shall be guilty of an Offence against this Act, and may be taken into Custody without Warrant by any Constable, and on Summary Conviction shall be liable to Imprisonment, with or without Hard Labour, in the Case of a First Offence for any Term not exceeding *One Month*, and in the Case of a Second or any subsequent Offence for any Term not exceeding *Three Months.*

Relief from Examination.

Application for Relief from Examination.

25. If any Woman subjected to a periodical Medical Examination under this Act (either on her own Submission or under the Order of a Justice), desiring to be relieved therefrom, makes Application in Writing in that Behalf to a Justice, the Justice shall appoint by Notice in Writing a Time and Place for the Hearing of the Application, and shall cause the Notice to be delivered to the Applicant, and a Copy of the Application and of the Notice to be delivered to the Superintendent of Police.

Order for Relief on Discontinuance of Prostitution, &c.

26. If on the Hearing of the Application it is shown, to the Satisfaction of the Justice present, that the Applicant has ceased to be a Common Prostitute, or if the Applicant, with the Approval of the Justice, enters into a Recognizance, with or without Sureties, as to the Justice seems meet, for her good Behaviour during *Three* Months thereafter, the Justice may order that she be relieved from periodical Medical Examination.

Forfeiture of Recognizance by Return to Prostitution.

27. Every such Recognizance shall be deemed to be forfeited if at any Time during the Term for which it is entered into the Woman to whom it relates is (within the Limits of any Place to which this Act applies) in any public Thoroughfare, Street, or Place, or any House or Room which is open to the Inspection of the Police, for the Purpose of Prostitution.

Penalties for harbouring, &c.

Penalties for permitting Prostitute having contagious Disease to resort to any House, &c. for Prostitution.

28. If any Person, being the Owner or Occupier of any House, Room, or Place within the Limits of any Place to which this Act applies, or being a Manager or Assistant in the Management thereof, having reasonable Cause to believe any Woman to be a Common Prostitute and to be affected with a contagious Disease, induces or suffers her to resort to or be in that House, Room, or Place, for the Purpose of Prostitution, he shall be guilty of an

Offence against this Act, and on Summary Conviction thereof before *Two* Justices shall be liable to a Penalty not exceeding *Twenty* Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding *Six* Months, with or without Hard Labour.

Procedure, &c.

Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.

29. All Proceedings under this Act before and by Justices shall be had in England according to the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions within England and "Wales, with respect to Summary Convictions and Orders," and in Ireland according to the Provisions of The Petty Sessions (Ireland) Act, 1851, as far as those Provisions respectively are not inconsistent with any Provision of this Act, and save that the Room or Place in which a Justice sits to inquire into the Truth of the Statements contained in any Information under this Act against a Woman as a Common Prostitute shall not, unless the Woman so desires, be deemed an open Court for that Purpose; and, unless the Woman otherwise desires, the Justice may, in his Discretion, order that no Person have Access to or be or remain in that Room without his Consent or Permission.

Forms in Second Schedule to be used.

30. The Forms of Certificates, Orders, and other Instruments given in the Second Schedule to this Act, or Forms to the like Effect, with such Variations and Additions as Circumstances require, may be used for the Purposes therein indicated and according to the Directions therein contained, and Instruments in those Forms shall (as regards the Form thereof) be valid and sufficient.

Instruments may be in Print, &c.

31. Any Certificate, Order, Notice or other Instrument made or issued for the Purposes of this Act may be partly in Print and partly in Writing.

Presumption as to Signatures.

32. In any Proceeding under this Act any Order, Certificate, or other Instrument purporting to be signed by a Justice, Chief Medical Officer of a Certified Hospital, the Inspector of Certified Hospitals, or other Person or Authority, shall be presumed to have been duly signed by the Person and in the Character by whom and in which it purports to be signed until the contrary is shown.

Mode of Service.

33. Every Notice, Order, or other Instrument by this Act required to be served on a Woman shall be served by Delivery thereof to some Person for her at her last or usual Place of Abode, or by Delivery thereof to her personally.

Limitation of Actions, &c.

34. Any Action or Prosecution against any Person for anything done in pursuance or execution or intended execution of this Act, shall be laid and tried in the County where the Thing was done, and shall be commenced within *Three Months* after the Thing done, and not otherwise.

Notice in Writing of every such Action and of the Cause thereof shall be given to the intended Defendant *One Month* at least before the Commencement of the Action.

In any such Action the Defendant may plead generally that the Act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special Matter in Evidence at any Trial to be had thereupon.

The Plaintiff shall not recover if Tender of sufficient Amends is made before Action brought, or if a sufficient Sum of Money is paid into Court after Action brought, by or on behalf of the Defendant.

If a Verdict passes for the Defendant, or the Plaintiff becomes nonsuit, or discontinues the Action after Issue joined, or if, on Demurrer or otherwise, Judgment is given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and shall have the like Remedy for the same as any Defendant has by Law for Costs in other Cases.

Though a Verdict is given for the Plaintiff, he shall not have Costs against the Defendant unless the Judge before whom the Trial is had certifies his Approbation of the Action.

SCHE-

SCHEDULES.

THE FIRST SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - - -	The Limits of the Municipal Borough of Portsmouth, and of the Residue of the Island of Portsea, and of the Parish of Alverstoke, and of the Township of Landport.
Plymouth - - -	The Limits of the following Parishes; namely,— St. Andrew, Charles the Martyr, St. Peter, St. James the Less, Holy Trinity, Christ Church, St. John, } Plymouth. Stoke Damerel, St. James the Great, St. Paul, St. Mary, St. Stephen, } Devonport, Stoke, and Morice Town. St. George, Stonehouse.
Woolwich - - -	The Limits of the Parishes of Woolwich, Plumstead, and Charlton.
Chatham - - -	The Limits of the following Parishes; namely,— Chatham, Gillingham, St. Nicholas, Rochester, St. Margaret, Rochester, Strood, and Frindsbury, and of the Hamlet of Grange, otherwise Grench.
Sheerness - - -	The Limits of the Parish of Minster, and of the Township of Queenborough.
Aldershot - - -	The Limits of the following Parishes; namely,— Purbright, Ash, Compton, Pepper Harrow, Frimley, Puttenham, Seal, and Tongham, Elstead, Farnham, Bisley, } in the County of Surrey.

Names of Places.	Limits of Places.
	Aldershot, Yateley, Crondall, Dogmersfield, Winchfield, Hartley Wintney, Cove, Eversley, Farnborough, Binstead, Bentley, in the County of Hants. Sandhurst, in the County of Berks.
Colchester - - -	The Limits of the following Parishes or Ecclesiastical Districts; namely;— All Saints. St. Botolph. St. Giles. St. James. St. John. St. Leonard. St. Martin. St. Mary at the Walls. St. Mary Magdalene. St. Nicholas. St. Peter. St. Runwald. The Holy Trinity.
Shorncliffe - - -	The Limits of the following Parishes; namely,— Cheriton. Hythe. Folkstone.
The Curragh - - -	The Limits of the following Parishes; namely,— Kilcullen. Kildare. Ballysax. Great Conwell. Morristown-beller.
Cork - - - -	The Limits of the Borough of Cork for Municipal Purposes.
Queenstown - - -	The Limits of the Town of Queenstown for the Purposes of Town Improvement.

THE SECOND SCHEDULE.

FORMS.

(A.)

Gazette Notice of Appointments.

London 18

The Lords Commissioners of the Admiralty and the Secretary of State for War have appointed *R.S.* to be Visiting Surgeon [*or* Assistant Visiting Surgeon] for [*Portsmouth, or* to be Inspector (*or* Assistant Inspector) of Certified Hospitals] under the Contagious Diseases Act, 1866.

(B.)

Certificate for Hospital provided by Admiralty, &c.

The Contagious Diseases Act, 1866.

In pursuance of the above-mentioned Act, it is hereby certified by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and by Her Majesty's Principal Secretary of State intrusted with the Seals of the War Department, that the following Building [*or* Part of a Building], namely, [*here describe generally the Building or Part of Building*] has been provided by the said Lords Commissioners and Secretary of State as a Hospital for the Purposes of the said Act.

Dated this Day of 18 .

By Order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
[*Secretary of the Admiralty.*]

By Order of the Secretary of State for War.

(Signed) *E.L.*,
[*Under-Secretary of State.*]

(C.)

Certificate for Hospital not provided by Admiralty, &c.

The Contagious Diseases Act, 1866.

In pursuance of the above-mentioned Act, it is hereby certified by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and by Her Majesty's Principal Secretary of State intrusted with the Seals of the War Department, that the following Building [*or* Part of a Building], namely, [the Lock Wards of the Portsmouth, Portsea, and Gosport

Hospital, *or as the Case may be*], is useful and efficient as a Hospital for the Purposes of the said Act.

Dated this Day of 18 .

By Order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
[*Secretary of the Admiralty.*]

By Order of the Secretary of State for War.

(Signed) *E.L.*,
[*Under-Secretary of State.*]

(D.)

Declaration of Withdrawal of Certificate.

THE CONTAGIOUS DISEASES ACT, 1866.

IN pursuance of the above-mentioned Act, it is hereby declared by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and by Her Majesty's Principal Secretary of State intrusted with the Seals of the War Department, that the Certificate under the said Act dated the Day of , constituting the Hospital [*or as the Case may be*] a Certified Hospital under the said Act has been and the same is hereby withdrawn as from the Day of 18

Dated this Day of 18 .

By Order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
[*Secretary of the Admiralty.*]

By Order of the Secretary of State for War.

(Signed) *E.L.*,
[*Under-Secretary of State.*]

(E.)

Information.

to wit. } THE Information of *C.D.* of , Superintendent of Police for [*or as the Case may be*], taken this Day of 186 , before the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , who says he has good Cause to believe that *A.B.* is resident at , in the [*County*] of , [*or* was on the Day of found at , in the County of], and is a Common Prostitute.

Taken before me the Day and Year first above mentioned.

(Signed) *L.M.*

Notice

(F.)

Notice for Attendance of Woman.

To *A.B.* of

Take Notice, that an Information, a Copy whereof is subjoined hereto, has been laid before me, and that, in accordance with the Provisions of the Act therein mentioned, the Truth of the Statements therein contained will be inquired into before me, or some other Justice, at , on the Day of , at o'Clock in the noon.

You are therefore to appear before me or such other Justice at that Place and Time, and to answer to what is stated in the said Information.

You may appear yourself, or by any Person on your Behalf.

If you do not appear, you may be ordered, without further Notice, to be subject to a periodical Medical Examination by the Visiting Surgeon under the said Act.

If you prefer it, you may, by a Submission in Writing signed by you in the Presence of the Superintendent of Police [*or as the Case may be*], and attested by him, subject yourself to such a periodical Examination.

If you do so before the Time above appointed for your Appearance, it will not be necessary for you to appear then before a Justice.

Dated this Day of .

(Signed) *L.M.*
Justice of the Peace for .

[*Subjoin Copy of Information.*]

(G.)

Order subjecting Woman to Examination.

to wit. } Be it remembered, that on the Day of , in pursuance of The Contagious Diseases Act, 1866, I, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , do order that *A.B.*, of , be subject to a periodical Medical Examination by the Visiting Surgeon for [Portsmouth, *or as the Case may be*], for the Purpose of ascertaining at the Time of each such Examination whether she is affected with a Contagious Disease within the Meaning of the said Act.

(Signed) *L.M.*

(H.)

Voluntary Submission to Examination.

The Contagious Diseases Act, 1866.

I *A.B.* , of , by this Submission, voluntarily subject myself to a periodical Medical Examination.

Dated this Day of 18 .

(Signed) *A.B.*

Witness
X.Y.
Superintendent of Police for [*or as the Case may be.*]

(J.)

Notice by Superintendent of Police to Woman of Times, &c. of Examination.

To *A.B.* of

Take Notice, that an Order subjecting you to a periodical Medical Examination, in pursuance of The Contagious Diseases Act, 1866, having been made by *L.M.*, Esq., one of Her Majesty's Justices of the Peace for the [*County*] of , dated the Day of , you are required to attend for such Examination at on the Day of at o'Clock in the noon.

Dated this Day of 18 .

(Signed) *X.Y.*
Superintendent of Police.

(K.)

Certificate of Visiting Surgeon.

In pursuance of The Contagious Diseases Act, 1866, I hereby certify that I have this Day examined *A.B.* of , and that she is affected with a contagious Disease within the Meaning of that Act; and the Certified Hospital in which she is to be placed under the said Act is the Hospital.

Dated this Day of 18 .

(Signed) *E.F.*,
Visiting Surgeon for [*Portsmouth.*]

(L.)

Order by Inspector of Certified Hospitals for Transfer.

By virtue of the Power in this Behalf vested in me by The Contagious Diseases Act, 1866, I hereby order that *A.B.* of , now detained under that Act in the Certified Hospital of for Medical Treatment, be transferred thence to the Certified Hospital of .

Dated this Day of 18 .

(Signed) *M.N.*
Inspector of Certified Hospitals.

(M.)

Certificate for Detention beyond Three Months.

The Contagious Diseases Act, 1866.

We, the undersigned, hereby certify that the further Detention for Medical Treatment of *A.B.* of , now an Inmate of this Hospital, is requisite.

Dated this Day of 18 , at the Hospital.

(Signed) *M.N.*,
Inspector of Certified Hospitals
[*or as the Case may be*].
G.H.,
Chief Medical Officer.

Submission

(N.)

Submission to Detention beyond Six Months.

THE CONTAGIOUS DISEASES ACT, 1866.

I, *A.B.* of , by this Submission, consent to be detained in this Hospital for Medical Treatment for [*One Calendar Month or any less Period*] from the Date hereof.

Dated this Day of 18 , at the Hospital.

(Signed) *A.B.*

Witness, *A.F.*

(O.)

Discharge from Hospital.

IN pursuance of The Contagious Diseases Act, 1866, I hereby discharge *A.B.* of from this Hospital.

Dated this Day of 18 , at the Hospital.

(Signed) *G.H.*,
Chief Medical Officer.

(P.)

Application to be relieved from Examination.

To *L.M.*, Esq., and others, Her Majesty's Justices of the Peace for the [*County*] of

I *A.B.* of , being in pursuance of The Contagious Diseases Act, 1866, subject to a periodical Medical Examination on my own Submission [*or* under the Order of *L.M.*, Esq., *as the Case may be*], dated the Day of , do hereby apply to be relieved therefrom.

Dated this Day of 18 .

(Signed) *A.B.*

Witness, *G.W.*

Contagious Diseases.

A

B I L L

For the better Prevention of contagious Diseases at certain Naval and Military Stations.

(*Prepared and brought in by*
Lord Clarence Paget and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1866.

Under 3 *oz.*

[Bill 78.]

Contagious Diseases Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

CLAUSES.

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SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The better Prevention of Contagious Diseases at certain Naval and Military Stations.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Contagious Diseases Act, 1866. Short Title.

2. In this Act— Interpretation.

The Term "Contagious Disease" means Venereal Disease, including Gonorrhœa:

The Term "Police" means Metropolitan Police or other Police or Constabulary authorized to act in any Place to which this Act applies:

The Term "Superintendent" includes Inspector:

The Term "Chief Medical Officer" means the principal Physician or Surgeon for the Time being attached to or doing Duty at a Hospital, if any, and if there is none then the House Surgeon or Resident Surgeon of the Hospital:

The Term "Justice" means a Justice of the Peace having Jurisdiction in the County, Borough, or Place where the Matter requiring the Cognizance of a Justice arises:

The Term "Two Justices" means Two or more Justices assembled and acting together, and includes any Police or Stipendiary Magistrate or other Justice having by Law for any Purpose the Powers of Two Justices.

Commencement and Operation of Act.

27 & 28 Vict. c. 85.

3. This Act shall commence from and immediately after the Thirtieth Day of September One thousand eight hundred and sixty-six, and on the Commencement of this Act The Contagious Diseases Prevention Act, 1864, shall cease to operate; but the Discontinuance of that Act by this Act shall not affect the Validity or Invalidity of anything done or suffered before the Commencement of this Act; and that Discontinuance or anything in this Act shall not apply to or in respect of any Offence, Act, or Thing committed or done or omitted before the Commencement of this Act; and every such Offence, Act, or Thing shall after and notwithstanding the Commencement of this Act have the same Consequences and Effect in all respects as if The Contagious Diseases Prevention Act, 1864, had not been discontinued.

Every Order of a Justice under the said Act shall remain in force as if this Act had not been passed.

Every Hospital certified under the said Act shall continue to be a Certified Hospital, for the Purposes of this Act, for Three Months after the Commencement of this Act, unless before the Expiration of that Time the Certificate is withdrawn or the Hospital is certified under this Act; and every Hospital certified under this Act shall be deemed a Certified Hospital for the Purposes of the said Act, as long as the Operation thereof continues for any Purpose under this Act.

Extent of Act.

Act to extend only to Places in Schedule.

4. The Places to which this Act applies shall be the Places mentioned in the First Schedule to this Act, the Limits of which Places shall for the Purposes of this Act be such as are defined in that Schedule.

Expenses of Execution of Act.

Expenses of Act to be defrayed by Admiralty, &c.

5. *Expenses incurred in the Execution of this Act shall be paid under the Direction of the Lord High Admiral of the United Kingdom or* *or the Commissioners for executing the Office of Lord High Admiral (hereafter in this Act styled the Admiralty) and of such One of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the Time being to intrust with the Seals of the War Department (hereafter in this Act styled the Secretary of State for War) out of Money to be provided by Parliament for that Purpose.*

Visiting Surgeons.

Appointment of Visiting Surgeon and Assistant.

6. The Admiralty or the Secretary of State for War may, on the Commencement of this Act, appoint a Medical Officer for each of the Places to which this Act applies, to be, during Pleasure, Visiting Surgeon there for the Purposes of this Act, and may from Time to Time, on the Death, Resignation, or Removal from Office of any Visiting Surgeon, appoint another such Officer in his Stead.

The Admiralty or the Secretary of State for War may, from Time to Time as Occasion requires, appoint a Medical Officer to be the Assistant of any such Visiting Surgeon; and every such Assistant shall have the like Powers and Duties as the Visiting Surgeon to whom he is appointed Assistant.

A Notice of the Appointment of every such Visiting Surgeon and of every such Assistant shall be published in the London or Dublin Gazette according as the Place for which he is appointed is in England or in Ireland.

A Copy of the Gazette containing such a Notice shall be conclusive Evidence of the Appointment.

Inspector of Hospitals.

Appointment of Inspector of Hospitals.

7. The Admiralty and the Secretary of State for War shall, on the Commencement of this Act, appoint a Medical Officer to be, during Pleasure, Inspector of Certified Hospitals under this Act, and shall from Time to Time, on the Death, Resignation, or Removal from Office of any such Inspector, appoint another such Officer in his Stead.

The Admiralty and the Secretary of State for War may, from Time to Time as Occasion requires, appoint a Medical Officer to be an Assistant Inspector of Certified Hospitals under this Act, which Assistant shall have the like Powers and Duties as the Inspector.

A Notice of the Appointment of every such Inspector and of every such Assistant shall be published in the London Gazette.

A Copy of the Gazette containing such a Notice shall be conclusive Evidence of the Appointment.

Certified Hospitals.

Provision by Admiralty, &c. of Hospitals.

8. The Admiralty or the Secretary of State for War may from Time to Time provide any such Buildings or Parts of Buildings as they think fit as Hospitals for the Purposes of this Act, and any Building or Part of a Building so provided and certified in Writing by the Admiralty or Secretary of State for War (as the Case may be) to be so provided shall be deemed a Certified Hospital under this Act.

Power to certify other Hospitals.

9. The Admiralty or the Secretary of State for War may from Time to Time, on such Application or with such Consent as they or he think requisite, and on the Report of the Inspector of Hospitals, certify in Writing any Building or Part of a Building not provided as a Hospital by the Admiralty or Secretary of State for War to be useful and efficient as a Hospital for the Purposes of this Act, and thereupon that Building or Part of a Building shall be deemed a Certified Hospital under this Act.

Inspection of Hospitals.

10. The Inspector of Hospitals shall from Time to Time visit and inspect every Certified Hospital.

Power to withdraw Certificate.

11. The Admiralty or the Secretary of State for War may at any Time, by Declaration in Writing, declare the Certificate relative to any Certified Hospital withdrawn as from a Time specified in the Declaration, and thereupon the same shall cease to be a Certified Hospital as from the Time so specified.

Provision for Moral and Religious Instruction.

12. No Hospital shall be certified under this Act unless at the Time of the granting of a Certificate adequate Provision is made for the Moral and Religious Instruction of the Woman detained therein; and if at any subsequent Time it appears to the Admiralty or the Secretary of State for War that in any such Hospital adequate Provision for that Purpose is not made, the Certificate of that Hospital shall be withdrawn.

Certificate and Declaration of Withdrawal to be gazetted.

13. Every Certificate and every Declaration of Withdrawal of a Certificate relative to any Hospital under this Act shall be published in the London or Dublin Gazette, according as the Hospital to which the Certificate or Declaration relates is in England or in Ireland.

A Copy of the Gazette containing any such Certificate or Declaration shall be the sole and conclusive Evidence of such Certificate or Declaration.

Every Certificate proved to have been made shall be presumed to be in force until the Withdrawal thereof is proved.

14. The Managers or Persons having the Control or Management of a Certified Hospital shall make Regulations for the Management and Government of the Hospital, as far as regards Women authorized by this Act to be detained therein for Medical Treatment, or being therein under Medical Treatment for a contagious Disease, such Regulations not being inconsistent with the Provisions of this Act, and may from Time to Time alter any such Regulations, subject to the Approval in Writing of the Admiralty or the Secretary of State for War. A printed Copy of Regulations purporting to be Regulations of a Certified Hospital so approved, such Copy being signed by the Inspector of Certified Hospitals, shall be Evidence of the Regulations of the Hospital for the Purposes of this Act.

Regulation of Certified Hospitals.

Periodical Medical Examinations.

15. Where an Information on Oath is laid before a Justice by a Superintendent of Police, charging to the Effect that the Informant has good Cause to believe that a Woman therein named is a Common Prostitute, and either is resident within the Limits of any Place to which this Act applies, or, being resident within Five Miles of those Limits, has, within Fourteen Days before the laying of the Information, been within those Limits for the Purpose of Prostitution, the Justice may, if he thinks fit, issue a Notice thereof addressed to such Woman, which Notice the Superintendent of Police shall cause to be served on her: Provided that nothing in this Act contained shall apply or extend, in the Case of Woolwich, to any Woman who is not resident within One of the Parishes of Woolwich, Plumstead, or Charlton.

On Information, Justice may issue Notice to Woman.

16. In either of the following Cases, namely,—

If the Woman on whom such a Notice is served appears herself, or by some Person on her Behalf, at the Time and Place appointed in the Notice, or at some other Time and Place appointed by Adjournment;—

If she does not so appear, and it is shown (on Oath) to the Justice present that the Notice was served on her a reasonable Time before the Time appointed for her Appearance, or that reasonable Notice of such Adjournment was given to her (as the Case may be);—

The Justice present, on Oath being made before him substantiating the Matter of the Information to his Satisfaction, may, if he thinks fit, order that the Woman be subject to a periodical Medical Examination by the Visiting Surgeon, for the Purpose of ascertaining at the Time of each such Examination whether she is affected with a contagious Disease; and thereupon she shall be

Justice may order periodical Medical Examination.

subject to such a periodical Medical Examination, and the Order shall be a sufficient Warrant for the Visiting Surgeon to conduct such Examination accordingly.

The Order shall specify the Time and Place at which the Woman shall attend for the First Examination.

The Superintendent of Police shall cause a Copy of the Order to be served on the Woman.

Voluntary Submission by Woman.

17. Any Woman, in any Place to which this Act applies, may voluntarily, by a Submission in Writing signed by her in the Presence of and attested by the Superintendent of Police, subject herself to a periodical Medical Examination under this Act.

Regulations as to Examinations.

18. For each of the Places to which this Act applies, either the Admiralty or the Secretary of State for War (but not both for any One Place) may from Time to Time make Regulations respecting the Times and Places of Medical Examinations under this Act at each Place, and generally respecting the Arrangements for the Conduct of those Examinations; and a Copy of all such Regulations from Time to Time in force for each Place shall be sent by the Admiralty or the Secretary of State for War (as the Case may be) to the Clerk of the Peace, Town Clerk (if any), Clerk of the Justices, Visiting Surgeon, and Superintendent of Police there.

Visiting Susgeon to prescribe Times, &c.

19. The Visiting Surgeon, having regard to the Regulations aforesaid and to the Circumstances of each Case, shall at the First Examination of each Woman examined by him, and afterwards from Time to Time as Occasion requires, prescribe the Times and Places at which she is required to attend again for Examination; and he shall from Time to Time give or cause to be given to each such Woman Notice in Writing of the Times and Places so prescribed.

Detention in Hospital.

Certificate of Visiting Surgeon.

20. If on any such Examination the Woman examined is found to be affected with a contagious Disease, she shall thereupon be liable to be detained in a Certified Hospital subject and according to the Provisions of this Act, and the Visiting Surgeon shall sign a Certificate to the Effect that she is affected with a contagious Disease, naming the Certified Hospital in which she is to be placed; and he shall sign that Certificate in Triplicate, and shall cause One of the Originals to be delivered to the Woman and the others to the Superintendent of Police.

21. Any Woman to whom any such Certificate of the Visiting Surgeon relates, may, if she thinks fit, proceed to the Certified Hospital named in that Certificate, and place herself there for Medical Treatment, but if after the Certificate is delivered to her she neglects or refuses to do so, the Superintendent of Police, or a Constable acting under his Orders, shall apprehend her, and convey her with all practicable Speed to that Hospital, and place her there for Medical Treatment, and the Certificate of the Visiting Surgeon shall be a sufficient Authority to him for so doing.

Placing in Certified Hospital for Treatment.

The Reception of a Woman in a Certified Hospital by the Managers or Persons having the Control or Management thereof shall be deemed to be an Undertaking by them to provide for her Care and Treatment, Lodging, Clothing, and Food, during her Detention in the Hospital.

22. Where a Woman certified by the Visiting Surgeon to be affected with a contagious Disease places herself, or is placed as aforesaid, in a Certified Hospital for Medical Treatment, she shall be detained there for that Purpose by the Chief Medical Officer of the Hospital until discharged by him by Writing under his Hand.

Detention in Hospital.

The Certificate of the Visiting Surgeon, One of the Three Originals whereof shall be delivered by the Superintendent of Police to the Chief Medical Officer, shall, when so delivered, be sufficient Authority for such Detention.

23. The Inspector of Hospitals may, if in any Case it seems to him expedient, by Order in Writing signed by him, direct the Transfer of any Woman detained in a Certified Hospital for Medical Treatment from that Certified Hospital to another named in the Order.

Power to transfer to another Hospital.

Every such Order shall be made in Triplicate, and One of the Originals shall be delivered to the Woman and the others to the Superintendent of Police.

Every such Order shall be sufficient Authority for the Superintendent of Police or any Person acting under his Orders to transfer the Woman to whom it relates from the one Hospital to the other, and to place her there for Medical Treatment; and she shall be detained there for that Purpose by the Chief Medical Officer of the Hospital until discharged by him by Writing under his Hand.

The Order of the Inspector of Hospitals, One of the Originals whereof shall be delivered by the Superintendent of Police to the Chief Medical Officer of the Hospital to which the Transfer is made, shall when so delivered be sufficient Authority for such Detention.

Limitation of Detention.

24. Provided always, that any Woman shall not be detained under any One Certificate for a longer Time in the whole than Three Months, unless the Chief Medical Officer of the Hospital in which she is detained, and the Inspector of Certified Hospitals, or the Visiting Surgeon for the Place whence she came or was brought, conjointly certify that her further Detention for Medical Treatment is requisite (which Certificate shall be in Duplicate, and One of the Originals thereof shall be delivered to the Woman); and in that Case she may be further detained in the Hospital in which she is at the Expiration of the said Period of Three Months by the Chief Medical Officer until discharged by him by Writing under his Hand; but so that any Woman be not detained under any One Certificate for a longer Time in the whole than Six Months.

Power for Woman detained to apply to Justice.

25. If any Woman detained in any Hospital shall consider herself entitled to be discharged therefrom, and the Chief Medical Officer of the Hospital shall refuse to discharge her, such Woman shall on her Request be conveyed before a Justice of the Peace, who, if he is satisfied upon reasonable Evidence that she is free from a contagious Disease, shall discharge her from such Hospital, and such Order of Discharge shall have the same Effect as the Discharge of the Chief Medical Officer.

During Conveyance to Certified Hospital, &c., Woman in legal Custody.

26. Every Woman conveyed or transferred under this Act to a Certified Hospital shall, while being so conveyed or transferred thither, and also while detained there, be deemed to be legally in the Custody of the Person conveying, transferring, or detaining her, notwithstanding that she is for that Purpose removed out of one into or through another Jurisdiction, or is detained in a Jurisdiction other than that in which the Certificate of the Visiting Surgeon was made.

Expenses of Woman's Return home.

27. Every Woman shall, on her Discharge from the Hospital, be sent to the Place of her Residence, if she so desires, without Expense to herself.

Refusal to be examined, &c.

Punishment for refusing to be examined, &c.

28. In the following Cases, namely,—

If any Woman being subject under this Act to periodical Medical Examination at any Time temporarily absents herself from any Place to which this Act applies in order to avoid submitting herself to such Examination on any Occasion on which she ought so to submit herself, or being in any Place to which this Act applies refuses or wilfully neglects to submit herself to such Examination on any such Occasion:

If any Woman authorized by this Act to be detained in a Certified Hospital for Medical Treatment quits the Hospital without being discharged therefrom by the Chief Medical Officer thereof by Writing under his Hand (the Proof whereof shall lie on the Accused):

If any Woman authorized by this Act to be detained in a certified Hospital for Medical Treatment, or any Woman being in a Certified Hospital under Medical Treatment for a contagious Disease, refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof approved under this Act:

Then and in every such Case such Woman shall be guilty of an Offence against this Act, and on Summary Conviction shall be liable to Imprisonment, with or without Hard Labour, in the Case of a First Offence for any Term not exceeding One Month, and in the Case of a Second or any subsequent Offence for any Term not exceeding Three Months; and in the Case of the Offence of quitting the Hospital without being discharged as aforesaid the Woman may be taken into Custody without Warrant by any Constable.

Effect of Order of Imprisonment for Absence, &c. from Examination.

29. If any Woman is convicted of and imprisoned for the Offence of absenting herself or of refusing or neglecting to submit herself to Examination as aforesaid, the Order subjecting her to periodical Medical Examination shall be in force after and notwithstanding her Imprisonment, unless the Surgeon of the Prison or the Visiting Surgeon at the Time of her Discharge from Imprisonment certifies in Writing to the Effect that she is then free from a contagious Disease (the Proof of which Certificate shall lie on her), and in that Case the Order subjecting her to periodical Medical Examination shall, on her Discharge from Imprisonment, cease to operate.

Effect on Order of Imprisonment for quitting Hospital, &c.

30. If any Woman is convicted of and imprisoned for the Offence of quitting a Hospital without being discharged, or of refusing or neglecting while in a Hospital to conform to the Regulations thereof as aforesaid, the Certificate of the Visiting Surgeon under which she was detained in the Hospital shall continue in force, and on the Expiration of her Term of Imprisonment she shall be sent from the Prison to a Certified Hospital, unless the Surgeon of the Prison or the Visiting Surgeon, at the Time of her Discharge from Imprisonment, certifies in Writing to the Effect that she is then free from a contagious Disease (the Proof of which Certificate shall lie on her), and in that Case the Certificate under which she was detained, and the Order subjecting her to periodical Medical Examination, shall, on her Discharge from Imprisonment, cease to operate.

Penalty on Woman discharged uncured conducting herself as Prostitute.

31. If on any Woman leaving a Certified Hospital a Notice in Writing is given to her by the Chief Medical Officer of the Hospital to the Effect that she is still affected with a contagious Disease, and she is afterwards in any Place for the Purpose of Prostitution without having previously received a Certificate in Writing from a Visiting Surgeon appointed under this Act (Proof whereof shall lie on her), to the Effect that she is then free from contagious Disease, she shall be guilty of an Offence against this Act, and on summary Conviction before Two Justices shall be liable to be imprisoned with or without Hard Labour, in the Case of a First Offence for any Term not exceeding One Month, and in the Case of a Second or any subsequent Offence for any Term not exceeding Three Months.

Duration of Order.

Order to operate whenever Woman in Place, &c.

32. Every Order under this Act subjecting a Woman to periodical Medical Examination shall be in operation and enforceable in manner in this Act provided, as long as and whenever from Time to Time the Woman to whom it relates is in any Place to which this Act applies; but when the Chief Medical Officer of a Certified Hospital, on the Discharge by him of any Woman from the Hospital, certifies that she is free from a contagious Disease, the Order subjecting her to periodical Medical Examination shall thereupon cease to operate.

Relief from Examination.

Application for Relief from Examination.

33. If any Woman subjected to a periodical Medical Examination under this Act (either on her own Submission or under the Order of a Justice), desiring to be relieved therefrom, and not being under Detention in a Certified Hospital, makes Application in Writing in that Behalf to a Justice, the Justice shall appoint by Notice in Writing a Time and Place for the Hearing of the Application, and shall cause the Notice to be delivered to the Applicant, and a Copy of the Application and of the Notice to be delivered to the Superintendent of Police.

Order for Relief on Discontinuance of Prostitution, &c.

34. If on the Hearing of the Application it is shown, to the Satisfaction of a Justice, that the Applicant has ceased to be a Common Prostitute, or if the Applicant, with the Approval of the Justice, enters into a Recognizance, with or without Sureties, as to the Justice seems meet, for her good Behaviour during Three Months thereafter, the Justice shall order that she be relieved from periodical Medical Examination.

Forfeiture of Recogni-

35. Every such Recognizance shall be deemed to be forfeited if at any Time during the Term for which it is entered into the

Woman to whom it relates is (within the Limits of any Place to which this Act applies) in any public Thoroughfare, Street, or Place, for the Purpose of Prostitution, or otherwise (within those Limits) conducts herself as a Common Prostitute.

zance by Return to Prostitution.

Penalties for harbouring, &c.

Penalties for permitting Prostitute having contagious Disease to resort to any House, &c. for Prostitution.

36. If any Person, being the Owner or Occupier of any House, Room, or Place within the Limits of any Place to which this Act applies, or being a Manager or Assistant in the Management thereof, having reasonable Cause to believe any Woman to be a Common Prostitute and to be affected with a contagious Disease, induces or suffers her to resort to or be in that House, Room, or Place, for the Purpose of Prostitution, he shall be guilty of an Offence against this Act, and on Summary Conviction thereof before Two Justices shall be liable to a Penalty not exceeding Twenty Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour: Provided that a Conviction under this Enactment shall not exempt the Offender from any penal or other Consequences to which he may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the Nuisance thereby occasioned.

Procedure, &c.

Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.

37. All Proceedings under this Act before and by Justices shall be had in England according to the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions within England and "Wales, with respect to Summary Convictions and Orders," and in Ireland according to the Provisions of The Petty Sessions (Ireland) Act, 1851, as far as those Provisions respectively are not inconsistent with any Provision of this Act, and save that the Room or Place in which a Justice sits to inquire into the Truth of the Statements contained in any Information under this Act against a Woman as a Common Prostitute shall not, unless the Woman so desires, be deemed an open Court for that Purpose; and, unless the Woman otherwise desires, the Justice may, in his Discretion, order that no Person have Access to or be or remain in that Room without his Consent or Permission.

Forms in Second Schedule to be used.

38. The Forms of Certificates, Orders, and other Instruments given in the Second Schedule to this Act, or Forms to the like Effect, with such Variations and Additions as Circumstances require, may be used for the Purposes therein indicated and according to the Directions therein contained, and Instruments in those Forms shall (as regards the Form thereof) be valid and sufficient.

Instruments may be in Print, &c.

39. Any Certificate, Order, Notice or other Instrument made or issued for the Purposes of this Act may be partly in Print and partly in Writing.

Presumption as to Signatures.

40. In any Proceeding under this Act any Notice, Order, Certificate, or other Instrument purporting to be signed by a Justice, Visiting Surgeon, Surgeon of a Prison, Chief Medical Officer of a Certified Hospital, or the Inspector of Certified Hospitals, or by any Person in Her Majesty's Service, shall on Production be received in Evidence, and shall be presumed to have been duly signed by the Person and in the Character by whom and in which it purports to be signed until the contrary is shown.

Mode of Service.

41. Every Notice, Order, or other Instrument by this Act required to be served on a Woman shall be served by Delivery thereof to some Person for her at her usual Place of Abode, or by Delivery thereof to her personally.

Limitation of Actions, &c.

42. Any Action or Prosecution against any Person for anything done in pursuance or execution or intended execution of this Act, shall be laid and tried in the County where the Thing was done, and shall be commenced within Three Months after the Thing done, and not otherwise.

Notice in Writing of every such Action and of the Cause thereof shall be given to the intended Defendant One Month at least before the Commencement of the Action.

In any such Action the Defendant may plead generally that the Act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special Matter in Evidence at any Trial to be had thereupon.

The Plaintiff shall not recover if Tender of sufficient Amends is made before Action brought, or if a sufficient Sum of Money is paid into Court after Action brought, by or on behalf of the Defendant.

If a Verdict passes for the Defendant, or the Plaintiff becomes nonsuit, or discontinues the Action after Issue joined, or if, on Demurrer or otherwise, Judgment is given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and shall have the like Remedy for the same as any Defendant has by Law for Costs in other Cases.

Though a Verdict is given for the Plaintiff, he shall not have Costs against the Defendant unless the Judge before whom the Trial is had certifies his Approbation of the Action.

SCHEDULES.

THE FIRST SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - -	The Limits of the Municipal Borough of Portsmouth, and of the Residue of the Island of Portsea, and of the Parish of Alverstoke, and of the Township of Landport.
Plymouth - - -	The Limits of the following Parishes; namely,— St. Andrew, Charles the Martyr, St. Peter, St. James the Less, Holy Trinity, Christ Church, St. John, } Plymouth. Stoke Damerel, St. James the Great, St. Paul, St. Mary, St. Stephen, } Devonport, Stoke, and Morice Town. St. George, Stonehouse.
Woolwich - - -	The Limits of the Parishes of Woolwich, Plumstead, and Charlton.
Chatham - - -	The Limits of the following Parishes; namely,— Chatham, Gillingham, St. Nicholas, Rochester, St. Margaret, Rochester, Strood, and Frindsbury, and of the Hamlet of Grange, otherwise Grench.
Sheerness - -	The Limits of the Parish of Minster, and of the Township of Queenborough.
Aldershot - - -	The Limits of the following Parishes; namely,— Purbright, Ash, Compton, Pepper Harrow, Frimley, Puttenham, Seal, and Tongham, Elstead, Farnham, Bisley, } in the County of Surrey.

Names of Places.	Limits of Places.
	Aldershot, Yateley, Crondall, Dogmersfield, Winchfield, Hartley Wintney, Cove, Eversley, Farnborough, Binstead, Bentley, in the County of Hants. Sandhurst, in the County of Berks.
Windsor - - -	The Limits of the Parishes of, New Windsor, Old Windsor, Clewer, in the County of Berks. Eton, in the county of Bucks.
Colchester - - -	The Limits of the following Parishes or Ecclesiastical Districts; namely;— All Saints. St. Botolph. St. Giles. St. James. St. John. St. Leonard. St. Martin. St. Mary at the Walls. St. Mary Magdalene. St. Nicholas. St. Peter. St. Runwald. The Holy Trinity.
Shorncliffe - - -	The Limits of the following Parishes; namely,— Cheriton. Hythe. Folkstone.
The Curragh - - -	The Limits of the following Parishes; namely,— Kilcullen. Kildare. Ballysax. Great Conwell. Morristown-beller.
Cork - - - -	The Limits of the Borough of Cork for Municipal Purposes.
Queenstown - - -	The Limits of the Town of Queenstown for the Purposes of Town Improvement.

THE SECOND SCHEDULE.

FORMS.

(A.)

Gazette Notice of Appointments.

London 18 .

The Lords Commissioners of the Admiralty have [*or* the Secretary of State for War has] appointed *R.S.* to be Visiting Surgeon [*or* Assistant Visiting Surgeon] for [*Portsmouth, or* to be Inspector (*or* Assistant Inspector) of Certified Hospitals] under The Contagious Diseases Act, 1866.

(B.)

Certificate for Hospital provided by Admiralty, &c.

The Contagious Diseases Act, 1866.

In pursuance of the above-mentioned Act, it is hereby certified by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, [*or* by Her Majesty's Principal Secretary of State intrusted with the Seals of the War Department], that the following Building [*or* Part of a Building], namely, [*here describe generally the Building or Part of Building,*] has been provided by the said Lords Commissioners [*or* Secretary of State] as a Hospital for the Purposes of the said Act.

Dated this Day of 18 .

By Order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
[*Secretary of the Admiralty.*]

[*Or*

By Order of the Secretary of State for War.

(Signed) *E.L.*,
Under-Secretary of State.]

(C.)

Certificate for Hospital not provided by Admiralty, &c.

The Contagious Diseases Act, 1866.

In pursuance of the above-mentioned Act, it is hereby certified by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, [*or* by Her Majesty's Principal Secretary of State intrusted with the Seals of the War Department,] that the following Building [*or* Part of a Building], namely, [the Lock Wards of the Portsmouth, Portsea, and Gosport

Hospital, *or as the Case may be*], is useful and efficient as a Hospital for the Purposes of the said Act.

Dated this Day of 18 .

By Order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
[*Secretary of the Admiralty.*]

[*Or*

By Order of the Secretary of State for War.

(Signed) *E.L.*,
Under-Secretary of State.]

(D.)

Declaration of Withdrawal of Certificate.

THE CONTAGIOUS DISEASES ACT, 1866.

IN pursuance of the above-mentioned Act, it is hereby declared by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, [*or* by Her Majesty's Principal Secretary of State intrusted with the Seals of the War Department], that the Certificate under the said Act dated the Day of , constituting the Hospital [*or as the Case may be*] a Certified Hospital under the said Act has been and the same is hereby withdrawn as from the Day of 18

Dated this Day of 18 .

By Order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
[*Secretary of the Admiralty.*]

[*Or*

By Order of the Secretary of State for War.

(Signed) *E.L.*,
Under-Secretary of State.]

(E.)

Information.

to wit. } THE Information of *C.D.* of , Superintendent of Police for [*or as the Case may be*], taken this Day of 186 , before the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , who says he has good Cause to believe that *A.B.* is a Common Prostitute, and is resident at , in the [*County*] of , [*or* is resident at in the County of , and was on the Day of at in the County of for the Purpose of Prostitution.]

Taken and sworn before me the Day and Year first above mentioned.

(Signed) *L.M.*

(F.)

Notice for Attendance of Woman.

To *A.B.* of

Take Notice, that an Information, a Copy whereof is subjoined hereto, has been laid before me, and that, in accordance with the Provisions of the Act therein mentioned, the Truth of the Statements therein contained will be inquired into before me, or some other Justice, at , on the Day of , at o'Clock in the noon.

You are therefore to appear before me or such other Justice at that Place and Time, and to answer to what is stated in the said Information.

You may appear yourself, or by any Person on your Behalf.

If you do not appear, you may be ordered, without further Notice, to be subject to a periodical Medical Examination by the Visiting Surgeon under the said Act.

If you prefer it, you may, by a Submission in Writing signed by you in the Presence of the Superintendent of Police [*or as the Case may be*], and attested by him, subject yourself to such a periodical Examination.

If you do so before the Time above appointed for your Appearance, it will not be necessary for you to appear then before a Justice.

Dated this Day of .

(Signed) *L.M.*

Justice of the Peace for .

[*Subjoin Copy of Information.*]

(G.)

Order subjecting Woman to Examination.

to wit. } Be it remembered, that on the Day of , in pursuance of The Contagious Diseases Act, 1866, I, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , do order that *A.B.*, of , be subject to a periodical Medical Examination by the Visiting Surgeon for [Portsmouth, *or as the Case may be*], for the Purpose of ascertaining at the Time of each such Examination whether she is affected with a Contagious Disease within the Meaning of the said Act, and that she do attend for the first Examination at on the Day of at o'Clock in the noon.

(Signed) *L.M.*

(H.)

Voluntary Submission to Examination.

The Contagious Diseases Act, 1866.

I *A.B.* , of , by this Submission, voluntarily subject myself to a periodical Medical Examination.

Dated this Day of 18 .

(Signed) *A.B.*

Witness

X.Y.

Superintendent of Police for . [*or as the Case may be.*]

(J.)

Notice by Visiting Surgeon to Woman of Times, &c. of Examination.

To *A.B.* of

Take Notice, that in pursuance of The Contagious Diseases Act, 1866, you are required to attend for Medical Examination as follows:

[*Here state Times and Places of Examination.*]

Dated this Day of 18 .

(Signed) *E.F.*
Visiting Surgeon for [*Portsmouth*].

(K.)

Certificate of Visiting Surgeon.

In pursuance of The Contagious Diseases Act, 1866, I hereby certify that I have this Day examined *A.B.* of , and that she is affected with a contagious Disease within the Meaning of that Act; and the Certified Hospital in which she is to be placed under the said Act is the Hospital.

Dated this Day of 18 .

(Signed) *E.F.*,
Visiting Surgeon for [*Portsmouth.*]

(L.)

Order by Inspector of Certified Hospitals for Transfer.

By virtue of the Power in this Behalf vested in me by The Contagious Diseases Act, 1866, I hereby order that *A.B.* of , now detained under that Act in the Certified Hospital of for Medical Treatment, be transferred thence to the Certified Hospital of .

Dated this Day of 18 .

(Signed) *M.N.*
Inspector of Certified Hospitals.

(M.)

Certificate for Detention beyond Three Months.

The Contagious Diseases Act, 1866.

We, the undersigned, hereby certify that the further Detention for Medical Treatment of *A.B.* of , now an Inmate of this Hospital, is requisite.

Dated this Day of 18 , at the Hospital.

(Signed) *M.N.*,
Inspector of Certified Hospitals
[*or as the Case may be*].
G.H.,
Chief Medical Officer.

(N.)

Discharge from Hospital.

In pursuance of The Contagious Diseases Act, 1866, I hereby discharge *A.B.* of from this Hospital.

Dated this Day of 18 , at the Hospital.

(Signed) *G.H.*,
Chief Medical Officer.

(O.)

Application to be relieved from Examination.

To *L.M.*, Esq., and others, Her Majesty's Justices of the Peace for the [*County*] of

I *A.B.* of , being in pursuance of The Contagious Diseases Act, 1866, subject to a periodical Medical Examination on my own Submission [*or* under the Order of *L.M.*, Esq., *as the Case may be*], dated the Day of , do hereby apply to be relieved therefrom.

Dated this Day of 18 .

(Signed) *A.B.*

Witness, *G.W.*

Contagious Diseases.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For the better Prevention of contagious Diseases at certain Naval and Military Stations.

(*Prepared and brought in by*
Lord Clarence Paget and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
20 *April* 1866.

Under 3 *oz.*

[Bill 116.]

A

B I L L

TO

Abolish Forfeiture for Treason and Felony, and to make other Provisions in relation thereto.

WHEREAS it is expedient to abolish Forfeiture for Treason and Felony, and at the same Time to provide for the proper Care and Administration of the Property of Persons convicted of Treason or Felony, while under Sentence of Death, or of Penal Servitude, and for such other Purposes as are herein-after mentioned: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Convicts Property Act, 1866." Short Title.

2. From and after the Time appointed for *the Commencement of this Act* no Confession, Verdict, Inquest, Conviction, or Judgment of or for any Treason or Felony shall produce, cause, or work any Attainder or Corruption of Blood, or (save as herein-after expressly mentioned) any Forfeiture or Escheat, in any Part of Her Majesty's Dominions by virtue of the Common Law, or of any Law or Statute whatsoever. Forfeiture, &c. abolished.

Conviction for Treason or Felony to be a Disqualification for Offices, &c.

3. Provided, nevertheless, That if any Person convicted of Treason or Felony shall, at the Time of such Conviction, hold any Military, Naval, Civil, or Ecclesiastical Office or Benefice, or any Place, Office, or Emolument, in any University, College, or other Corporation, or shall be entitled to any Pension or Superannuation Allowance payable by the Public or out of any Public Fund, such Office, Benefice, Place, or Emolument shall forthwith become vacant, and such Pension or Superannuation Allowance shall forthwith cease and determine; and such Person shall become, and, unless and until he shall receive a free Pardon from Her Majesty, shall continue thenceforth, incapable of holding any Military, Naval, Civil, or Ecclesiastical Office or Benefice, or other Public Employment in any Part of Her Majesty's Dominions, or of sitting or voting in the House of Lords, or of being elected or sitting or voting as a Member of Parliament, or of any Legislative Council or Assembly, or of exercising any Right of Suffrage or other Political Franchise whatever, within any Part of the said Dominions.

Persons convicted of Treason or Felony may be condemned in Costs.

4. It shall be lawful for any Court in the United Kingdom, or in any of Her Majesty's Colonies or Foreign Possessions, by which Judgment shall be duly pronounced or recorded upon the Conviction of any Person for Treason or Felony, in addition to such Sentence as might otherwise by Law be passed, to condemn such Person to the Payment of the Costs and Expenses incurred in and about his Prosecution and Conviction for such Offence, if to such Court it shall seem fit so to do; and the Payment of such Costs and Expenses may be enforced at the Instance of any Person liable to pay or who may have paid the same, in such and the same Manner (subject to the Provisions of this Act) as the Payment of any Costs ordered to be paid by the Judgment or Order of any Court of competent Jurisdiction in any Civil Action or Proceeding may for the Time being be enforced in the same Part of Her Majesty's Dominions: Provided that in the meantime, and until the Recovery of such Costs and Expenses from the Person so convicted as aforesaid, or from his Estate, the same shall be paid and provided for in the same Manner as if this Act had not passed; and any Money which may be recovered in respect thereof from the Person so convicted, or from his Estate, shall be applicable to the Reimbursement of any Person or Fund by whom or out of which such Costs and Expenses may have been paid or defrayed.

The Word "Convict" defined.

5. The Expression "Convict" as herein-after used shall be deemed to mean any Person against whom, after the *First Day of January One thousand eight hundred and sixty-seven*, Judgment of

Death or of Penal Servitude shall have been pronounced or recorded by any Court of competent Jurisdiction in the United Kingdom of Great Britain and Ireland, or in any of Her Majesty's Colonies or Foreign Possessions, upon any Charge of Treason or Felony.

Convicts Property defined.

6. The Expression "Convicts Property" as herein-after used shall be deemed to apply to all Real and Personal Property of or to which any Convict at the Time of his Conviction shall or may be seized, possessed, or entitled, for any Estate or Interest, in Possession, Reversion, or Remainder, at Law or in Equity, or of or to which such Convict shall, at any Time while he shall continue to be subject to the Operation of this Act, be or become seized, possessed, or entitled for any such Estate or Interest as aforesaid, including any Debts due or which may become due to such Convict.

When Convict shall cease to be subject to Operation of the Act.

7. When any Convict shall die, or be adjudicated or made Bankrupt, or shall have suffered any Punishment to which Sentence of Death, if pronounced or recorded against him, may be lawfully commuted, or shall have undergone the full Term of Penal Servitude for which Judgment shall have been pronounced or recorded against him, or such shorter Term as may by competent legal Authority have been substituted for such full Term, or shall have received Her Majesty's Pardon for the Treason or Felony of which he may have been convicted, he shall thenceforth (except so far as relates to such personal Incapacity as herein-before mentioned) cease to be subject to the Operation of this Act.

Convict disabled to sue for or to alienate Property, &c.

8. No Action at Law or Suit in Equity for the Recovery of any Property, Debt, or Damage whatsoever shall be brought by any Convict against any Person during the Time while he shall be subject to the Operation of this Act; and every Convict shall be incapable, during such Time as aforesaid, of alienating or charging any Property coming within the Description of Convicts Property as herein-before defined, or of binding himself, his Heirs, Executors, or Administrators, by any Contract whatever concerning the same, or concerning any Property which may revest in or come to him, or be acquired by him after he shall cease to be subject to the Operation of this Act, or of incurring any Debt, Obligation, or Liability payable or recoverable by Law out of any such Property.

The Crown may appoint Administrators of any Convict's Property.

9. It shall be lawful for Her Majesty, or for any Person in that Behalf authorized by Her Majesty under Her Royal Sign Manual (and which Authority may be given either generally or with reference to any particular Case), if to Her Majesty or to the Person so authorized it shall seem fit, by any Instrument in Writing under Her Majesty's Royal Sign Manual, or under the Hand of the

Person so authorized as aforesaid, to commit the Care, Custody, and Management of the Property, wheresoever situate, of any Convict who shall have been convicted of any Treason or Felony within the United Kingdom of Great Britain and Ireland, during Her Majesty's Pleasure, to an Administrator, to be by such Instrument in Writing nominated and appointed in that Behalf, and the like Power shall be vested in and may be exercised for and on behalf of Her Majesty, by the respective Chief Governors of any of Her Majesty's Colonies or Foreign Possessions, or of any Provinces or Presidencies into which the same, or any of them, may be divided, with respect to the Property, wheresoever situate, of any Convict who may have been convicted of Treason or Felony within such Colonies or Foreign Possessions, or within such Provinces or Presidencies respectively, as the Case may be; and every such Appointment may be revoked and determined by the same or the like Authority by which it is made; and upon any Determination thereof, either by Revocation or by the Death of any such Administrator, a new Administrator may be appointed by the same or the like Authority from Time to Time; and every such new Administrator shall upon his Appointment be and be deemed to be the Successor-in-law of the former Administrator; and all Property vested in and all Powers given to such former Administrator by virtue of this Act shall thereupon devolve to and become vested in such Successor, who shall be bound by all Acts lawfully done by such former Administrator during the Continuance of his Office: Provided always, that more than One Administrator may be appointed by any such Instrument as aforesaid, if in any Case it shall seem expedient so to do; and the Provisions herein-after contained with reference to any such Administrator shall in such Case apply to such Administrators jointly.

Convict's Property to vest in Administrators on their Appointment.

10. Upon the Appointment of any such Administrator in manner aforesaid, all the Property of or to which the Convict named in such Instrument was at the Time of his Conviction, or shall afterwards become or be possessed or entitled, within the Meaning of the Term "Convicts Property" as herein-before defined, shall vest in such Administrator, for all the Estate and Interest of such Convict therein.

Remuneration of Administrators.

11. If, in the Instrument by which any such Administrator is appointed, Provision shall be made for the Remuneration of such Administrator by any Commission or Per-centage upon the Amount or Value of the Property to be received or administered by him, or otherwise out of such Property, (and which Provision Her Majesty, or the Person appointing such Administrator on behalf of Her Majesty, is hereby authorized to make, if Her Majesty or such Person shall think fit so to do,) the said Administrator may receive and retain for his own Benefit such Remuneration accordingly; and the same shall be deemed to be Part of the Costs, Charges, and Expenses which he may incur or be put to in or about the carrying this Act into execution with reference to such Property.

Administrators to have Administration of Property during Sentences of Convicts.

12. All such Property shall be and remain in and under the Possession, Administration, and Management of the said Administrator, until the same, or so much thereof as shall not have been sold, transferred, or expended under the Provisions of this Act, shall re-vest in and be restored to the Convict to whom the same shall have originally belonged, or his Heirs or legal Personal Representatives as herein-after provided; and the said Administrator shall have absolute Power to let, set, mortgage, sell, alienate, convey, and transfer any Part of such Property, as to him shall seem fit.

Administrator to pay out of Property Costs of Prosecution and Costs of executing this Act.

13. It shall be lawful for the said Administrator to pay or cause to be paid out of such Property or the Proceeds thereof all Costs and Expenses which the Convict may have been condemned to pay; and all Costs, Charges, and Expenses incurred by such Convict in and about his Defence, and also all such Costs, Charges, and Expenses as the said Administrator may incur or be put to in or about the carrying this Act into execution with reference to such Property, or with reference to any Claims which may be made thereon.

Administrator may pay out of Property Debts or Liabilities of Convict.

14. The said Administrator may cause Payment or Satisfaction to be made out of such Property or the Proceeds thereof of any Debt or Liability of such Convict which may be established in due Course of Law, or may otherwise be proved to his Satisfaction, and may also cause any Property which may come to his Hands by virtue of this Act to be delivered to any Person claiming to be justly entitled thereto, upon the Right of such Person being established in due Course of Law, or otherwise to his Satisfaction.

Administrators may make Compensations out of Property to Persons defrauded by criminal Acts of Convict.

15. The said Administrator may cause to be paid or satisfied, out of such Property or the Proceeds thereof, such Sum of Money by way of Satisfaction or Compensation for any Loss of Property, or other Injury alleged to have been suffered by any Person through or by means of any alleged criminal or fraudulent Act of such convicted Person, as to him shall seem just, although no Proof of such alleged criminal or fraudulent Act may have been made in any Court of Law or Equity; and all Claims to any such Satisfaction or Compensation may be investigated in such Manner as the said Administrator shall from Time to Time think fit, and the Decision of the said Administrator thereon shall be binding upon the Convict, and all Persons claiming through or under him: Provided always, that nothing in this Act shall take away or prejudice any Right, Title, or Remedy to which any Person alleging himself to have suffered any such Loss or Injury would have been entitled by Law if this Act had not passed.

Administrator may make Allowances out of Property for Support of Family of Convict.

16. The said Administrator may cause such Payments and Allowances for the Support or Maintenance of any Wife or Child or reputed Child of such Convict, or of any other Relative or reputed Relative of such Convict dependent upon him for Support, as to such Administrator shall seem fit, to be made from Time to Time out of the Income of such Property, or (in case such Income shall in his Judgment be insufficient for that Purpose) out of the Capital or Proceeds thereof.

Payments by Administrator for Purposes of Act not to be called in question.

17. All Contracts of Letting or Sale, Mortgages, Alienations, Conveyances, or Transfers of Property, bonâ fide made by the said Administrator under the Powers of this Act, and all Payments or Deliveries over of Property bonâ fide made by or under the Authority of the said Administrator for any of the Purposes herein-before mentioned, shall be binding upon the said Convict; and the Propriety thereof, and the Sufficiency of the Grounds on which the said Administrator may have exercised his Judgment or Discretion in respect thereof, shall not be in any Manner called in question by such Convict, or by any Person claiming an Interest in such Property by virtue of this Act.

Property to be preserved for Convict, and to revert to him or his Representatives on Completion of Sentence, Pardon, or Death.

18. Subject to the Powers and Provisions herein-before contained, all such Property, and the Income thereof, shall be preserved and held in trust by the said Administrator, and the Income thereof may, if and when the said Administrator shall think proper, be invested and accumulated in such Securities as he shall from Time to Time think fit, for the Use and Benefit of the said Convict, and his Heirs or legal Personal Representatives, or of such other Persons as may be lawfully entitled thereto, according to the Nature thereof; and the same, and the Possession, Administration, and Management thereof, shall re-vest in and be restored to such Convict upon his ceasing to be subject to the Operation of this Act, or in and to his Heirs or legal Personal Representatives, or such other Persons as may be lawfully entitled thereto; and all the Powers and Authorities by this Act given to the said Administrator shall from thenceforth cease and determine, except so far as the Continuance thereof may be necessary for the Care and Preservation of such Property or any Part thereof, until the same shall be claimed by some Person lawfully entitled thereto, or for obtaining Payment out of such Property, or of the Proceeds thereof, of any Liabilities, or any Costs, Charges, or Expenses, for which Provision is made by this Act; for which Purposes such Powers snd Authorities shall continue to be in force until Possession of such Property shall be delivered up by the said Administrator to some Person being or claiming to be lawfully entitled thereto.

Administrators not to be liable, except for what they receive.

19. The said Administrator shall not be answerable to any Person for any Property which shall not actually have come to his Hands by virtue of this Act, nor for any Loss or Damage which may happen through any mere Omission or Nonfeasance on his Part to any Property vested in him by virtue hereof.

Administrator to receive Costs of Suits out of Property as between Solicitor and Client.

20. The Costs as between Solicitor and Client of every Action or Suit which may be brought against the said Administrator with reference to any such Property as aforesaid, whether during the Time while the same shall be and continue vested in him under this Act, or after the same shall cease to be so vested, and all Charges and Expenses properly incurred by him with reference thereto, shall be a First Charge upon and shall be paid out of such Property, unless the Court before which such Action is tried or such Suit is heard shall think fit otherwise to order.

Property to include Proceeds of Sales and Accumulations of Income.

21. The Powers and Duties of the said Administrator with respect to such Property as aforesaid shall extend to and include the Proceeds of any Sale or Mortgage of Property vested in him under this Act, and any Property acquired by him by means of the Investment of any such Proceeds, or of any Income payable to him under this Act.

If no Administrator, interim Curator may be appointed by Justices.

22. If no such Administrator as aforesaid shall have been appointed, an interim Curator of the Property of any Convict may be appointed by any Justice of the Peace having Jurisdiction in the Place where such Convict before his Conviction shall have last usually resided, upon the Application of any Person who shall be able to satisfy such Justice that the Application is made bonâ fide with a view to the Benefit of the Convict or of his Family, or to the due and proper Administration and Management of his Property and Affairs: and the interim Curator to be appointed may be either the Person making the Application, or any other Person willing to accept the Office, and competent to discharge its Duties, as to such Justice shall seem fit.

Proceedings before Justices.

23. Before making any such Appointment the Justice shall require the Applicant to make Oath that no Administrator or interim Curator of the Property of such Convict has been, to his Knowledge or Belief, already appointed; and the Applicant shall also state upon Oath, to the best of his Knowledge and Belief, who are the nearest Relatives (including any Husband or Wife) of such Convict, and (if any such there be) where they are residing, and whether any and which of them have consented to or have had Notice of such Application; and it shall be competent for such Justice to require Notice of such Application to be given to all such Persons and in such Manner as to such Justice shall seem fit.

Removal of interim Curator for Cause shown.

24. Any interim Curator so appointed may be removed, for any Cause shown to the Satisfaction of the Justice or the Court, upon the Application of any Relative of the Convict, or of any Person interested in the due and proper Administration and Management of his Property and Affairs, either by the Justice by whom he was appointed (or, in the event of such Justice dying or becoming incapable to act, by any other Justice having the like Jurisdiction), or by any Court in which Proceedings for an Account may be instituted as herein-after provided; and upon the Death or Removal of any such interim Curator, a new interim Curator may be appointed in the same Manner and by the like Authority as aforesaid, or (in Case any such Proceedings shall be then depending) by the Court in which any such Proceedings shall be so depending as aforesaid.

Powers of interim Curator.

25. Every interim Curator so appointed as aforesaid shall have Power (unless and until an Administrator shall be appointed under this Act, in which Case the Authority of such interim Curator shall thenceforth cease and determine,) to sue in his own Name as such interim Curator, at Law or in Equity, for the Possession and Recovery of any Part of the Property in respect of which he shall have been so appointed, or for Damages in respect of any Injury thereto, and to defend in his own Name as such interim Curator any Action or Suit brought against such Convict or against himself in respect of such Property, and to receive and give legal Discharges for all Rents, Dividends, Interest, and Income of or arising from such Property, and also to receive and give Discharges for any Debts due to such Convict, or forming Part of his Property, and to pay and discharge all or any Debts due from such Convict out of such Property, and to settle and adjust Accounts with any Debtor or Creditor of such Convict, and generally to manage and administer the Property of such Convict; and also to make or cause to be made such Payments and Allowances for the Support or Maintenance of any Wife or Child of such Convict, or of any other

Relative dependent on him for Support, as shall be specially authorized by any such Justice or Court as aforesaid (who shall have Power from Time to Time to authorize the same), or by any other Court having competent Jurisdiction to authorize the same, out of the Income of such Property, or (in case such Income shall be insufficient for that Purpose) out of the Capital thereof; and every such interim Curator shall be entitled to retain out of such Property, or out of the Income thereof, all his Costs, Charges, and Expenses properly incurred in and about the Discharge of his Duties as such Curator.

Personal Property may be sold by interim Curator under special Order of Justices or Court.

26. Any Personal Property of such Convict may be sold and transferred by such interim Curator by and with the Authority of such Justice or Court as aforesaid, or of any other Court having competent Jurisdiction to order the same, but not otherwise; and such interim Curator shall be accountable for the Proceeds of any Property so sold in the same Manner as for such Property while remaining unsold.

Proceedings by or against interim Curator not to abate if Administrator is appointed.

27. All Proceedings at Law or in Equity duly instituted by or against any such interim Curator may (in case of an Administrator or a new interim Curator being afterwards appointed) be continued by or against such Administrator or such new interim Curator without any Abatement thereof, the Appointment of such Administrator or new interim Curator being entered by way of Suggestion on the Record, or otherwise stated upon the Proceedings, according to the Practice of such Court; and all Acts lawfully done and Contracts lawfully made by such interim Curator with respect to any Property of such Convict before the Appointment of such Administrator or such new interim Curator shall be binding upon such Administrator or such new interim Curator after his Appointment.

Execution of Judgments against Convict provided for.

28. All Judgments or Orders for the Payment of Money of any Court of Law or Equity against such Convict which shall have been duly recovered or made, either before or after his Conviction, may be executed against any Property of such Convict under the Care and Management of any such interim Curator as aforesaid, or in the Hands of any Person who may have taken upon himself the Possession or Management thereof without legal Authority, in the same Manner as if such Property were in the Possession or Power of such Convict; and all such Judgments or Orders may likewise be executed by Writ of Scire facias or otherwise, according to the Practice of the Court, against any such Property which may be vested in any Administrator of the Property of such Convict under the Authority of this Act.

Proceedings may be taken to make Administrator or interim Curator, &c. accountable before Property reverts to Convict.

29. It shall be competent for Her Majesty's Attorney General, or other the chief Law Officer of the Crown for the Time being in any Part of Her Majesty's Dominions, or for any Person who (if such Convict were dead intestate) would be his Heir-at-Law, or entitled to his Personal Estate, or any Share thereof, under the Statutes of Distribution or otherwise, or for any Person authorized by Her Majesty's Attorney General, or by such chief Law Officer as aforesaid, in that Behalf, to apply in a summary Way to any Court which (if such Convict were dead) would have Jurisdiction to entertain a Suit for the Administration of his Real or Personal Estate, to issue a Writ of Summons calling upon any Administrator or interim Curator of the Property of such Convict appointed under this Act, or any Person who without legal Authority shall have possessed himself of any Part of the Property of such Convict, to account for his Receipts and Payments in respect of the Property of such Convict, in such Manner as such Court shall direct; and it shall be lawful for such Court thereupon to issue such Writ of Summons, and to enforce Obedience thereto, and to all Orders and Proceedings of such Court consequent thereon, in the same Manner as in any other Case of Process lawfully issuing out of such Court; and such Court shall thereupon have full Power, Jurisdiction, and Authority to take all such Accounts, and to make and give all such Orders and Directions, as to it shall seem proper or necessary for the Purpose of securing the due and proper Care, Administration, and Management of the Property of such Convict, and the due and proper Application of the same, and of the Income thereof, and the Accumulation and Investment of such Balances, if any, as may from Time to Time remain in the Hands of any such Administrator or interim Curator or other Person as aforesaid in respect of such Property; and so long as any such Proceedings shall be pending in any such Court every such Administrator or interim Curator or other Person shall act in the Exercise of all Powers vested in him under this Act or otherwise in all respects as such Court shall direct; and it shall be lawful for such Court (if it shall think fit), to authorize and direct any Act to be done by any such interim Curator which might competently be done by an Administrator duly appointed under this Act.

Administrator, &c. to be accountable to Convict when Property reverts.

30. Subject to the Provisions of this Act, every such Administrator, interim Curator, and other Person as aforesaid shall, from and after the Time when such Convict shall cease to be subject to the Operation of this Act, be accountable to such Convict for all Property of such Convict which shall have been by him possessed or received and not duly administered, in the same Manner in which any Guardian or Trustee is now accountable to his Ward or Cestuique Trust; but subject nevertheless and without Prejudice to the Administration and Application of such Property under and according to the Powers of this Act.

31. This Act shall come into operation on the *First Day of January One thousand eight hundred and sixty-seven.* Time of Commencement of Act.

Convicts Property.

A

BILL

To abolish Forfeiture for Treason and Felony, and to make other Provisions in relation thereto.

(Prepared and brought in by
Mr. Attorney General and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
16 *April* 1866.

[Bill 105.]

Under 2 oz.

A

B I L L

FOR

Removing Doubts respecting the Assessment of County Rates.

Preamble.

WHEREAS by the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled "An Act to consolidate "and amend the Statutes relating to the Assessment and Collection "of County Rates in England and Wales," the Justices of the Peace of every County of England and Wales assembled at their General or Quarter Sessions of the Peace, or at any Adjournment thereof, are empowered to appoint a Committee for the Purpose of preparing in manner therein mentioned a Basis or Standard for fair and equal County Rates:

And whereas by The Union Assessment Committee Act, 1862, Boards of Guardians are empowered to appoint Assessment Committees for the Purpose of making the Parochial Assessments therein mentioned:

And whereas Doubts are entertained whether the Powers of the Justices under the first-mentioned Act are not impliedly interfered with or controlled by such last-mentioned Act:

And whereas it is expedient to remove such Doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act of 25 & 26 Vict. c. 103. not to affect Act of 15 & 16 Vict. c. 81.

1. Nothing contained in The Union Assessment Committee Act, 1862, shall apply to any Assessment which has been or shall be made by any Committee appointed by the Justices under the said Act of the Session of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Eighty-one, and any Committee which has been or shall be appointed under the last-mentioned Act may prepare a Basis for County Rates, and do all other Things authorized to be done by them under the said Act, in the same Manner in all respects as if the Union Assessment Committee Act had not passed.

Short Title of Act.

2. This Act may be cited for all Purposes as "The County Rate Act, 1866."

County Assessments.

A

BILL

For removing Doubts respecting the Assessment of County Rates.

(Prepared and brought in by Mr. Knatchbull-Hugessen and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
6 *June* 1866.

[Bill 179.]

Under 1 *oz.*

County Courts Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Clauses.

1. Vacancies in the Office of Treasurers of County Courts not to be filled up.
2. Treasury to provide for Examination of Accounts of Registrar and other Officers of the Courts.
3. Treasurers may retire upon Superannuation in certain Cases.
4. If Person appointed to examine Accounts be a Treasurer's Clerk, after Probation his Service as such Clerk to be calculated for Superannuation.
5. Treasury to make Rules for keeping and rendering Accounts by Registrars and other Officers of the Courts, and direct Payments by Registrars to be paid into Bank of England.
6. Accounts to be rendered to Audit Board.
7. Accounts to be audited.
8. Property of Courts to vest in Superintendent of County Court Department.
9. Duties of Treasurer as to providing Court Houses, &c., may be performed by Superintendent of County Court Department.
10. Registrar to send to Commissioners of Audit an Account of all Sums paid by him to Paymaster General.
11. On a Vacancy in the Office of High Bailiff, the Registrar of the Court shall perform the Duties of High Bailiff, if he shall have been appointed a Registrar subsequent to the passing of this Act.
12. Additional Remuneration to Registrar for performing the Duties of High Bailiff.
13. No Person to be High Bailiff of more than One Court.
14. Salaries of future appointed Registrars.

A

BILL

FOR

The Abolition of the Offices of Treasurer and of High Bailiff of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts.

Preamble.
9 & 10 Vict. c. 95.

WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, the Commissioners of Her Majesty's Treasury were empowered to appoint as many Persons as they should think fit to be Treasurers of the Courts holden under that Act: And whereas Twenty-three Persons were appointed to be such Treasurers, and as, from Time to Time, Vacancies have occurred, other Persons have been appointed: And whereas by the said Act the Judge of every Court holden under the said Act was empowered to appoint One or more High Bailiffs for such Court: And whereas it is expedient that whenever any of the Holders of either of the Offices of Treasurer or High Bailiff as aforesaid shall die, resign, or be removed, the Vacancy caused thereby should not be filled up, and that Provision should be made for the Performance of the Duties now attached to those Offices: And whereas it is further expedient to reduce the Salaries of future appointed Registrars of County Courts: Be it enacted by the

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Vacancies in the Office of Treasurers of County Courts not to be filled up.

1. Whenever any Person who has been appointed a Treasurer of County Courts under the Provisions of Section Twenty-three of the said Act shall die, resign, or be removed, the Vacancy caused by the Death, Resignation, or Removal of such Person shall not be filled up.

Treasury to provide for Examination of Accounts of Registrar and other Officers of the Courts.

2. The Accounts of the Registrar and other Officers of the Courts, of which the Person who shall have died, resigned, or been removed was the Treasurer, shall be examined by such Person or Persons, at such Time or Times, under the Supervision of such Person, as the Commissioners of the Treasury shall think fit, provided that the Salaries and Expenses of the Persons by whom such Accounts are to be examined shall not exceed the Sum allowed to the then late Treasurer for the Services of a Clerk, and for the travelling Expenses of himself and Clerk.

Treasurers may retire upon Superannuation in certain Cases.

3. Where it shall appear to the Commissioners of Her Majesty's Treasury that greater Efficiency and Economy will be effected by permitting the Retirement of a Treasurer of County Courts, it shall lawful for the said Commissioners to grant to any such Treasurer, out of Moneys to be provided for the Purpose by Parliament, such Superannuation Allowance as the said Commissioners may determine, not exceeding such Amount as might be granted under "The Superannuation Act, 1859," to a Civil Servant retiring upon Medical Certificate.

If Person appointed to examine Accounts be a Treasurer's Clerk, after Probation his Service as such Clerk to be calculated for Superannuation.

4. If the Commissioners of the Treasury shall think fit to employ in the Examination of the Accounts of the Courts any Person whom they may think it desirable so to employ, on account of Knowledge acquired by him as Clerk to any Treasurer of County Courts, such Clerk shall, if after One Year the said Commissioners shall continue to employ him, be deemed a Servant in the permanent Civil Service of the State, and be entitled to Superannuation.

Treasury to make Rules for keeping and rendering Accounts by Registrars and other Officers of the Courts, and direct

5. The Commissioners of the Treasury shall from Time to Time make such Rules as to them shall seem meet for the keeping and rendering of Accounts by the Registrars and other Officers of the Courts of which the Treasurer has died, resigned, or been removed, and for securing the Payment of the Sums of Money in the Hands of such Registrars or other Officers, as the said Commissioners may from Time to Time in each Case direct, into the Bank of England, Payments by Registrars to be paid into Bank of England.

to the Account of the Paymaster General, to be carried by him to an Account to be called "The County Courts Fund," out of which Fund the said Commissioners shall direct all necessary Payments for the Purposes of such Courts to be made.

Accounts to be rendered to Audit Board.

6. The Person under whose Supervision the Accounts of the Courts are to be examined as aforesaid shall once in every Year, and oftener if required, on such Day as the Commissioners of Her Majesty's Treasury from Time to Time shall appoint, render to the Commissioners for auditing the Public Accounts of Great Britain a true Account in Writing of all Moneys paid into the aforesaid "County Courts Fund" at the Paymaster General's, and of Moneys paid thereout during the Period comprised in such Account, in such Form and with such Particulars as the said Commissioners of Audit shall from Time to Time require.

Accounts to be audited.

7. The Accounts to be kept by the aforesaid Person on account of any Courts shall be examined and audited by the Commissioners of Audit in the same Manner as the Accounts of the Treasurers of County Courts are now audited.

Property of Courts to vest in Superintendent of County Court Department.

8. All Lands, Messuages, and other Real and Personal Estates and Effects belonging to any County Court which shall be vested in any Treasurer of County Courts who shall die, resign, or be removed, shall vest in such aforesaid Person; and all Lands, Messuages, and other Real and Personal Estates and Effects which thereafter may be purchased or belong to any of such Courts shall vest in the said Person; and upon the Death, Removal, or Resignation of each such Person all Property whatsoever, Real or Personal, which was vested in the said Person shall vest by force of this Act in the Person appointed by the Commissioners of Her Majesty's Treasury to succeed him in the said Duty of supervising the Examination of the Accounts.

Court Houses, &c., may be provided by Superintendent of County Court Department.

9. Any of the Duties of a Treasurer of County Courts in respect to the Purchase of Lands, and of providing Court Houses and Offices, may, by Direction of the Commissioners of the Treasury, be performed by the said aforesaid Person in respect of those Courts to which there shall be no Treasurer.

Registrar to send to Commissioners of Audit an Account of all Sums paid by him to Paymaster General.

10. The Registrar of every Court the Accounts of which are examined under the Provisions of this Act shall once in every Year, and oftener if required, on such Day as shall be appointed by the Commissioners of Her Majesty's Treasury, make out and send to the said Commissioners of Audit an Account of all Sums paid over by him to the Paymaster General.

On a Vacancy in the Office of High Bailiff, the Registrar of the Court shall perform the Duties of High Bailiff, if he shall have been appointed a Registrar subsequent to the passing of this Act.

11. Section Twenty-eight of the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, shall, so far as relates to the conjoining of the Offices of Registrar and High Bailiff, be repealed; and upon the happening of any Vacancy in the Office of High Bailiff of any County Court, if the Registrar of the Court in which the Vacancy shall occur shall have been appointed such Registrar after the passing of this Act, or, having been appointed before the passing of this Act, shall be willing to perform the Duties of the Office of High Bailiff of such Court, no Successor to such High Bailiff shall, unless the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, shall otherwise determine, be appointed, but in either of such Cases the Registrar shall perform the Duties of the High Bailiff of such Court, and shall have all the Powers and Authorities now vested in a High Bailiff of a County Court, and shall be responsible for the Acts and Defaults of himself and his Officers, in like Manner as the High Bailiff of a County Court is now by Law responsible for the Acts and Defaults of himself and his Officers: Provided, that if a Registrar of a Court, appointed Registrar before the passing of this Act, shall be unwilling to perform the Duties of the Office of High Bailiff, the Person appointed to succeed to the then vacant Office of High Bailiff shall, unless the Lord Chancellor with the Consent aforesaid otherwise direct, cease to hold such Office upon the said Registrar ceasing to hold his Office of Registrar.

Additional Remuneration to Registrar for performing the Duties of High Bailiff.

12. Every Registrar so invested with the Powers and Authorities of High Bailiff shall receive, in addition to his net Salary as Registrar, a Sum equal to *One Fifth* Part of such Salary, together with such Sum or Allowances for Service and Execution of Process as the Commissioners of Her Majesty's Treasury may determine; and such additional Salary and Allowances shall be paid out of the Produce of the Fees payable under the Provisions of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and eight.

No Person to be High Bailiff of more than One Court.

13. Henceforth no Person shall be appointed High Bailiff of more than One Court.

Salaries of future appointed Registrars.

14. Section Eighty-two of the said last-recited Act shall, as to Registrars of County Courts hereafter appointed, be repealed; and every Person hereafter to be appointed Registrar of a County Court shall be paid by Salary, and the Principle upon which the said Salary shall be regulated shall be, that if the Plaints entered in the

Court of which he is Registrar do not exceed in the Year from the First Day of January to the Thirty-first Day of December inclusive the Number of Two hundred, the Salary shall be *One hundred Pounds* for that Year; and if the Plaints so entered shall exceed Two hundred, then such Salary shall be increased by Sums of *Four Pounds* for every Twenty-five additional Plaints up to Six thousand inclusive; and such Salaries shall be inclusive of all Salaries to the Clerks employed by the Registrar in the Business of their respective Courts, and of all Emoluments whatsoever, except those that may be receivable in Equitable Proceedings or in Bankruptcy; and in the Courts in which the Plaints shall exceed Six thousand the Amount of Salary shall be fixed by the said Commissioners with the Consent of the Lord Chancellor, but in no Case shall the net Salary to be allowed exceed *Seven hundred* a Year; and such Salaries shall be paid out of the same Fund as the Salaries of existing Registrars are paid.

County Courts.

A

BILL

For the Abolition of the Offices of Treasurer and of High Bailiff of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts.

(Prepared and brought in by
Mr. Childers, Mr. Chancellor of the Exchequer,
and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
2 *March* 1866.

[Bill 47.]

Under 1 *oz.*

A

B I L L

FOR

The better Regulation of County Infirmaries in Ireland.

WHEREAS it is expedient to extend the Privileges and Advantages of County Infirmaries in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. That from and after the *First Day of January One thousand eight hundred and sixty-seven* the Amount of Donation constituting a Life Governor and Member of the Corporation of such Infirmary be reduced to *Ten Guineas*, and the yearly Payment constituting an Annual Governor be reduced to *One Guinea*: Provided always, that any Subscriber who shall within *Seven Years* have contributed a Sum amounting to *Fifteen Guineas* shall be a Life Governor.

After 1st Jan. 1867, Donation to constitute Life Governor of County Infirmaries reduced to 10 Guineas, &c.

2. Any Person who is or shall be entitled to be a Yearly Governor in virtue of a Subscription of *Three Guineas* or upwards, or is or shall have become a Life Governor by a Donation within *One Year* of *Twenty Guineas* or upwards, shall be entitled to *Two* Votes at any Meeting of the Governors; but those who shall have become Life Governors in virtue of a Donation of less than *Twenty Guineas*, or in virtue of accumulated Subscriptions, or who shall be entitled

Provision for Plurality of Votes in certain Cases.

entitled to be Annual Governors in virtue of a Subscription of less than *Three Guineas*, shall have a Right to only *One* Vote at any such Meeting.

Life Governors entitled to One Vote continuing annual Payment of One Guinea to have Two Votes.

3. Such Life Governors as in virtue of Donations or accumulated Subscriptions are entitled to only *One* Vote shall, on continuing to pay an annual Subscription of not less than *One Guinea*, be entitled to *Two* Votes.

Grand Jury to make Presentments in aid of Infirmaries.

4. From and after the *First Day of January One thousand eight hundred and sixty-seven* every Grand Jury in Ireland shall be required at each Assizes to present, if called upon, at least the average Amount paid half-yearly for the last *Ten Years* for the Support of the Infirmary or Infirmaries in their respective Counties.

Right to vote in Election of Officers not to accrue until One Year after Payment of Subscription.

5. No one constituted a Governor of any Infirmary under this Act shall be entitled to a Vote or Votes in the Election of any Officer of the Infirmary until *One Year* after the Payment of the Donation or Subscription from which he claims to vote.

Act not to apply to County of Dublin.

6. This Act shall not apply to the County of Dublin.

County Infirmaries (Ireland).

A

B I L L

For the better Regulation of County Infirmaries in Ireland.

(Prepared and brought in by
Mr. Pollard-Urquhart and Mr. O'Reilly.)

Ordered, by The House of Commons, *to be Printed,*
13 *February* 1866.

[Bill 14.]

Under 1 *oz.*

Court of Chancery (Ireland) Bill.

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A

BILL

TO

Amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland.

Preamble.

WHEREAS it is expedient to alter the Constitution and amend the Practice and Course of Proceeding of the High Court of Chancery in Ireland, with a view of establishing Uniformity of Practice and Procedure in the Courts of Chancery in England and Ireland, *and to make Provision for the Receipt of Fees of the Court of Chancery in Ireland by Stamps*, and to give increased Power over Funds in that Court, the Dividends of which have not been dealt with for a certain Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Chancery (Ireland) Act, 1866."

Interpretation of Terms.

2. In the Construction and for the Purposes of this Act the following Terms shall have the respective Meanings herein-after assigned to them (if not inconsistent with the Context or Subject Matter); that is to say,

"Her Majesty:"

The Expression "Her Majesty" shall mean the Sovereign for the Time being:

"Chancery Court:"

The Expressions "Court of Chancery," "Chancery," and "Court" shall mean the Court of Chancery in Ireland:

"Lord Chancellor:"

The Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of Ireland:

"Master of the Rolls:"

The Words "Master of the Rolls" shall mean the Master of the Rolls in Ireland:

"Master:"

The Word "Master" shall mean Master in Ordinary of the Court of Chancery in Ireland:

"Master's Examiner:"

The Words "Master's Examiner" shall mean Clerk and Examiner to a Master in Ordinary of the Court of Chancery in Ireland:

"Bill of Complaint:"

The Words "Bill of Complaint and Bill" shall mean also and include Information:

"Plaintiff:"

The Word "Plaintiff" shall include Informant:

"Suit:"

The Word "Suit" shall include Cause, Matter, or other Proceeding:

"Affidavit:"

The Word "Affidavit" shall include Declaration, Affirmation, and Attestation upon Honour; and the Word "swear" shall include declare, affirm, and attest upon Honour:

"Lunatic:"

The Word "Lunatic" shall include Idiots and Persons of unsound Mind, and whether found such by Inquisition or not:

"General Order:"

The Words "General Order," "General Order of the Court," shall mean a General Order made in the Manner herein-after provided:

"Agent" and "Town Agent."

The Words "Agent" and "Town Agent" shall mean an Agent or Town Agent being a practising Solicitor.

Divisions of Act.

3. This Act shall consist of Five Parts, relating to:—

Part I. The Appointment of a Vice-Chancellor:
Part II. The Abolition of the Office of Master in Ordinary of the Court of Chancery:
Part III. Procedure and Practice:
Part IV. Stamps and Fees:
Part V. Miscellaneous Matters.

PART I.

Appointment of a Vice-Chancellor, &c.

PART I.

Appointment of Vice-Chancellor, &c.

Appointment of Vice-Chancellor. 53 G. 3. c. 24.

4. It shall be lawful for Her Majesty to nominate and appoint, by Letters Patent under the Great Seal of Ireland, a fit Person, being or having been a Barrister-at-Law of *Fifteen Years* standing at the least, to be a Judge Assistant to the Lord Chancellor of Ireland in the Discharge of the Judicial Functions of his Office, such additional Judge to be called the Vice-Chancellor of Ireland: Provided that no Vice-Chancellor appointed under this Act shall during his Tenure of Office be capable of sitting in the House of Commons.

Appointment of Successors of Vice-Chancellor. 5 Vict. c. 5. s. 20.

5. From Time to Time, when and as any Vacancy shall occur in the Office of the Vice-Chancellor who shall be appointed under this Act, by the Death, Resignation, or Removal from Office of such Vice-Chancellor or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being or having been a Barrister-at-Law of *Fifteen Years* standing at the least, to supply such Vacancy.

Jurisdiction and Powers of Vice-Chancellor. 53 G. 3. c. 24. s. 2. 5 Vict. c. 5. s. 22.

6. Every such Vice-Chancellor shall have full Power to hear and determine all Suits which are or shall be at any Time depending in the Court of Chancery in Ireland, as a Court of Equity, or incident to any ministerial Office of the said Court, or which shall have been or shall be submitted to the Jurisdiction of the said Court or of the Lord Chancellor, by the special Authority of any Act of Parliament, as the Court shall from Time to Time by any General Order direct; and all Decrees, Orders, and Acts of such Vice-Chancellor so made or done shall be deemed or taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incident Jurisdiction as aforesaid, or under such special Authority as aforesaid, and shall have Force and Validity and be executed accordingly, subject nevertheless to be afterwards reversed or altered in like Manner as if they were Decrees, Orders, or Acts of the Lord Chancellor or the Master of the Rolls; and no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor.

To sit for Lord Chancellor when required. 5 Vict. c. 5. s. 23.

7. Every such Vice-Chancellor shall sit for the Lord Chancellor whenever he shall require him so to do.

Rank and Precedence of the Vice-Chancellor.

8. The Vice-Chancellor shall have Rank and Precedence next after the Lord Justice of the Court of Appeal in Chancery in

Ireland, provided the latter shall not have held the Office of Lord Chancellor of Ireland; and in case the Lord Justice of the Court of Appeal for the Time being shall have held the Office of Lord Chancellor of Ireland, then the Vice-Chancellor shall have Rank and Precedence next after the Chief Baron of Her Majesty's Court of Exchequer in Ireland.

To hold Office during good Behaviour.
5 Vict. c. 5. s. 27.

9. Every Vice-Chancellor shall hold his Office during his good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Vice-Chancellor from his Office upon an Address of both Houses of Parliament.

Oath of Vice-Chancellor.
5 Vict. c. 5. s. 28.

10. Every Vice-Chancellor shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I do solemnly and sincerely promise and swear,
'That I will duly and faithfully, and to the best of my Skill and
'Power, execute the Office of Vice-Chancellor of Ireland.
'So help me GOD.'

Appointment of Chief Clerks.
15 & 16 Vict. c. 80. s. 16.

11. It shall be lawful for the Master of the Rolls and the Vice-Chancellor for the Time being respectively, with the Approbation of the Lord Chancellor, to appoint One Chief Clerk each, to be respectively attached to the Court of each such Judge and his Successors in Office, for the Purpose of assisting in the general Business of each Court and the Suits belonging thereto, and on any Vacancy in such Office of Chief Clerk to supply such Vacancy.

Qualification of Chief Clerks.
15 & 16 Vict. c. 80. s. 17.

12. No Person shall be appointed Chief Clerk to the Master of the Rolls or to the Vice-Chancellor unless he shall have been admitted on the Roll of Solicitors or Attorneys in One of the Superior Courts at Dublin, and shall have practised as Solicitor or Attorney for the Period of *Ten Years* at least immediately preceding his Appointment, or unless he shall have held the Office of Master's Examiner in the Court of Chancery in Ireland.

Appointment of Junior Clerks.
15 & 16 Vict. c. 80. s. 18.

13. It shall be lawful for the Master of the Rolls and the Vice-Chancellor respectively, subject to the Provision herein-after contained as to the Appointment of the First Junior Clerks, to appoint Two Junior Clerks to the Chief Clerk of his Court, and on any Vacancy to supply such Vacancy.

Officers under Act not to take

14. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such Office, or shall receive any Sum of Money or Benefit, other than his Salary, and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court, for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of any Judge of the Court, in relation to or arising out of any Proceeding in his Office or in any Office of or connected with the Court of Chancery; or if such Person, having been a Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and if so removed shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

Fees or Profits, save Salary.
15 & 16 Vict. c. 80. s. 19.

15. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin on which his Name may be.

Solicitor accepting Office to cease to be Solicitor.
15 & 16 Vict. c. 80. s. 20.

16. Every Chief Clerk shall, subject to the Power of Removal herein-after contained, hold his Office during his good Behaviour, and so long as he shall personally attend to the Execution of the Duties of his Office.

Tenure of Office of Chief Clerk.
15 & 16 Vict. c. 80. s. 21.

17. Every Junior Clerk shall, except in the Cases herein-after specially provided, hold his Office at the Pleasure of the Judge to whose Court he shall be attached.

Tenure of Office of Junior Clerk.
15 & 16 Vict. c. 80. s. 22.

18. Subject to the Regulations which shall be prescribed by the General Orders of the Court, the Chief Clerks and Junior Clerks shall be under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct.

Chief and Junior Clerks to be under Control of Judge.
15 & 16 Vict. c. 80. s. 23.

19. Every Chief Clerk and every Junior Clerk shall be subject and liable to such and the same Obligations, Prohibitions, and Penalties, so far as the same are not inconsistent with the Provisions of this Act, as are by an Act passed in the Session holden in the Fourth Year of the Reign of King George the Fourth enacted

Chief and Junior Clerks subject to the same Penalties as are imposed by 4 G. 4. c. 61.

with respect to Persons holding any of the Offices in the Court of Chancery therein specified, in the same Manner as if the Enactments therein contained relating to such Officers of the said Court respectively were here repeated in relation to such Chief and Junior Clerk.

Removable by Order of Chancellor and Master of Rolls or Vice-Chancellor.
15 & 16 Vict. c. 80. s. 25.

20. It shall be lawful for the Lord Chancellor, with the Concurrence of the Judge to whose Court any Chief Clerk shall be attached, by an Order to remove any such Chief Clerk, without stating any Cause for such Removal.

Salaries of Chief and Junior Clerks.
15 & 16 Vict. c. 80. s. 44.

21. There shall be paid to every such Chief Clerk, in the first instance, the net yearly Salary of *Eight hundred Pounds*, to be increased every Year of Service by the net annual Sum of *Twenty-five Pounds* until the yearly Salary of such Chief Clerk shall amount to the net yearly Salary of *One thousand Pounds;* and to every such Junior Clerk, in the first instance, the net yearly Salary of *Two hundred and fifty Pounds*, to be increased in like Manner by the net annual Sum of *Ten Pounds* until the yearly Salary of each Junior Clerk shall amount to the net yearly Salary of *Three hundred and fifty Pounds;* and the said Salaries respectively shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid out of the Funds and in the Manner herein-after provided; but no such Increase of Salary shall be made without a Certificate from the Judge to whose Court such Chief or Junior Clerk shall be attached that he has conducted himself in his Office to the entire Satisfaction of such Judge.

Salary of Vice-Chancellor.

22. *There shall be paid to the Vice-Chancellor for the Time being the net yearly Salary of Four thousand Pounds, which Salary shall issue and be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid quarterly on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, by equal Portions, and the first of such Payments, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Vice-Chancellor, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Vice-Chancellor, such Vice-Chancellor, his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Time of the Commencement of such Salary, or from the last quarterly*

terly Day of Payment thereof, to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension to Vice-Chancellor.
5 Vict. c. 5. s. 36.

23. *Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Vice-Chancellor, in pursuance of this Act, an Annuity not exceeding to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice-Chancellor, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Vice-Chancellor was payable; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall not exceed in the whole the said Sum of ; provided also, that no Annuity granted to any Person having executed the Office of Vice-Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts, or Judge of Her Majesty's Court of Probate in Ireland, or Judge of the Landed Estates Court, or of Master in Ordinary of the said Court of Chancery, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.*

Appointment of Court Keeper, Crier, and Tipstaff.

24. It shall be lawful for the Vice-Chancellor from Time to Time to appoint a Court Keeper, Crier, and Tipstaff, to be attached to his Court, and the Salaries of the Persons so to be appointed shall be of such respective Amounts as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall in each Case determine; and such Salaries shall be paid to each Person so to be appointed out of the Funds herein-after mentioned.

Appointment of a Chief Clerk and Junior Clerks by Lord Chancellor.

25. If it shall appear to the Lord Chancellor that the Business of his Court or of the Court of Appeal shall render it expedient that a Chief Clerk and Junior Clerks should be appointed, to be attached to the Lord Chancellor and his Successors in Office, for the Purpose of assisting in the general Business of his Court and of the said Court of Appeal, and the Suits belonging to his Court, and in any Matters belonging to or reserved for his Jurisdiction, it shall be lawful for the Lord Chancellor, with the Assent of the Commissioners of Her Majesty's Treasury, to appoint One Chief Clerk, having such Qualification as is herein-before prescribed in reference to the Chief Clerks of the Master of the Rolls and Vice-Chancellor respectively, and Two Junior Clerks, and on any Vacancy in such Offices to supply such Vacancy; and every Chief Clerk and Junior Clerk so to be appointed shall hold his Office by the like Tenure, and shall have the like Powers, and shall be entitled to the like Salaries, Allowances, and Benefits, and shall be subject to the like Obligations, Prohibitions, and Penalties as a Chief Clerk or Junior Clerk attached to the Master of the Rolls or the Vice-Chancellor, but shall be under the Control of the Lord Chancellor, and shall be removable by an Order of the Lord Chancellor and the Lord Justice of the Court of Appeal, without stating any Cause for such Removal.

Power to appoint additional Chief or Junior Clerks.

26. In case it shall appear to the Lord Chancellor that the State of Business in the Court renders it expedient to appoint an additional Chief Clerk or additional Junior Clerks to the Master of the Rolls and the Vice-Chancellor, or to either of them, it shall be lawful for the Lord Chancellor, with the Consent of the Master of the Rolls and the Vice-Chancellor, or One of them, and subject to the Approbation of the Commissioners of Her Majesty's Treasury, to direct that there shall be attached to the Master of the Rolls and the Vice-Chancellor, or to either of them, as the Case may be, such additional Chief Clerk or additional Junior Clerks as aforesaid; and thereupon it shall be lawful for the Judge to whose Court such Chief Clerk or Junior Clerk shall be attached to appoint in manner aforesaid such additional Chief Clerk or Junior Clerk, as the Case may be, and on any Vacancy in such Office of additional Chief Clerk or Junior Clerks to supply such Vacancy; and every Chief Clerk or Junior Clerk so appointed shall possess the like Qualifications, and shall hold his Office by the like Tenure, and shall have the like Powers, and shall be entitled to the like

Salaries, Allowances, and Benefits, and subject to the like Obligations, Prohibitions, and Penalties, as a Chief Clerk or Junior Clerk attached to the Master of the Rolls or the Vice-Chancellor.

PART II.

Masters Abolition.

PART II. — *Masters Abolition.*

Office of Master, except that of Receiver Master, abolished. 15 & 16 Vict. c. 80. s. 1.

27. The Office of Master in Ordinary of the said Court of Chancery, except the Office of Receiver Master of the said Court, which shall be maintained for the Performance of certain special Duties, as herein-after provided, shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court whose Offices are hereby abolished of the Duties herein-after provided for; and until they are released under this Act they shall for the Performance of such Duties continue to have all the Powers conferred upon them by any Act of Parliament, or otherwise vested in them.

Vacancies not to be filled. 15 & 16 Vict. c. 80. s. 2.

28. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court, other than that of Receiver Master, shall be filled up; and no Vacancy which has already occurred or may hereafter occur in the Office of Examiner, Assistant Clerk, or Registrar to such Master, other than the Examiner, Assistant Clerk, or Registrar of the Receiver Master, shall be filled up, save in the temporary Manner herein-after provided.

Masters may be released. 15 & 16 Vict. c. 80. s. 3.

29. Whenever in the Judgment of the Lord Chancellor from the State of Business in the said Court any Master whose Office is hereby abolished can be spared, it shall be lawful for the Lord Chancellor to release such Master from his Duties as such, at such Time or Times as to him shall seem meet.

Released Masters to be entitled to Salaries. 15 & 16 Vict. c. 80. ss. 5. and 6.

30. *Each One of the Masters so to be released shall nevertheless continue entitled to receive during his Life, by way of retiring Pension, the full Amount of his Salary as such Master; and the Salaries or retiring Pensions payable to the Masters so to be released shall be payable out of the same Funds, on the Days, and in the same Manner in all respects as their present Salaries.*

Power to Masters to summon Parties, &c., and to settle and wind up

31. In order as expeditiously as may be to wind up all the Suits which may from Time to Time be depending before or have been referred to any of the Masters whose Office is hereby abolished, it shall be lawful for every such Master, at any Time after the passing of

Proceedings before them. 15 & 16 Vict. c. 80. s. 7.

of this Act, to summon as he shall deem fit all or any of the Parties to any Suit so depending, or referred, or their Solicitors, and thereupon to proceed with such Suit, and give such Directions and make such Order as he may think necessary for the Purpose of settling and winding-up the same; but any such Order shall be subject to be discharged or varied by the Lord Chancellor upon Application made for that Purpose; and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

Power to Lord Chancellor, upon Master's Report or Certificate, to make Order for Prosecution or final Disposal of any Suit, &c., and for Payment of Costs, &c. 15 & 16 Vict. c. 80. s. 8.

32. In case such Master shall be unable, by reason of the Conduct of Parties or otherwise, to finally dispose of any Suit, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Lord Chancellor shall make such Order as he shall think proper on all or any of the Parties, for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

Notwithstanding Suit abated or defective, Master may proceed. 17 & 18 Vict. c. 100. s. 1.

33. Upon a Suit in which any Proceeding may from Time to Time be depending before any such Master becoming abated by Death, Marriage, or otherwise, or becoming defective by reason of some Change or Transmission of Interest or Liability, it shall be lawful for such Master, notwithstanding that the Suit has become abated or defective, to summon, as he shall deem fit, all or any of the Parties to the Suit or Proceeding, or their or any of their Solicitors, and to require and obtain from them or any of them such Information as may to him seem necessary or proper respecting the Abatement of the Suit, or respecting the same having become defective, and the Change or Transmission of Interest or Liability, and respecting the Person or Persons by and against whom the Suit and Proceedings ought to be revived, or the Decree or Order carried on and prosecuted, for which Purpose such Master shall be at liberty to proceed in the Absence of any of the Parties or Solicitors neglecting or refusing to attend to his Summons.

Master may certify Change of Interest. 17 & 18 Vict. c. 100. s. 2.

34. In case such Master shall by the Means aforesaid or otherwise obtain sufficient Information for his Guidance in this Behalf, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability.

Certificate to have effect of Sugges-

35. The Master's Certificate shall be filed, and Notice thereof served by and upon such Person as the Master may direct; and the

Person so served shall from the Time of such Service being made become a Party to the Suit, and be bound in all respects in the same Manner as if an Order of Revivor or a Supplemental Decree had been made upon a Bill or Cause Petition duly filed for that Purpose.

tion and Notice.
17 & 18 Vict. c. 100. s. 3.

36. In case such Master shall not be able to obtain sufficient Information for his Guidance in certifying as aforesaid, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability, and that by reason thereof he is unable to dispose of the Proceeding pending before him in the Suit; upon which Certificate the Lord Chancellor shall make such Order as he shall think proper on all or any of the Parties, for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

If Master unable to obtain Information, the Lord Chancellor may dispose of Suit.
17 & 18 Vict. c. 100. s. 4.

37. In any Suit which may from Time to Time be pending before or have been referred to any Master, he shall be at liberty to certify specially any Decision at which he may arrive, or any other Matter relating thereto, in order to obtain a Decision or Direction by or from the Lord Chancellor for his Guidance in the further Proceedings, or to enable any Party to obtain the Opinion of the Court with reference thereto.

Master may certify specially any Decision.
17 & 18 Vict. c. 100. s. 7.

38. In the event of the Parties or their Solicitors refusing or neglecting, within a Time to be fixed by the Master, to file or to bring before the Lord Chancellor any such Certificate or Report as aforesaid, or to serve any Order when drawn up as aforesaid, then, by the Direction of the Master, the Certificate or Report may be filed or brought before the Lord Chancellor, or the Order may be served by the Solicitor for the Time being in the Matter of Minors and Lunatics; and the Lord Chancellor is hereby empowered to order Payment of the Costs and Expenses of the Solicitor in the Matter of Minors and Lunatics out of such of the Funds in the Suit or by such Parties as to him shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Lord Chancellor, may be paid out of the Suitors Fee Fund.

In case of Neglect, &c. of Parties or Solicitors, the Solicitor for Minors and Lunatics may proceed.
15 & 16 Vict. c. 80. s. 9.
17 & 18 Vict. c. 100. s. 5.

39. From and after the *First Day of* *One thousand eight hundred and* no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Suits pending at the Time appointed for the Commencement of this Act, or in

No further References to be made to Masters, but Masters to finish

Business at present pending.

in Suits in which, from some previous Reference having been made in some other Suit connected therewith, the Court may think it expedient to make such Reference, and, except in the Case of the Receiver Master, such References as are herein-after directed: Provided always, that the said Receiver Master and the other Masters in Ordinary of the said Court, until they shall have been removed, by Resignation, Death, or otherwise, or released from their Duties under this Act, shall prosecute all the Business which on the *First Day of* *One thousand eight hundred and* shall be pending before them, and also all the References which shall be made under Decrees, Decretal or other Orders of the Court in Suits commenced before the last-mentioned Day, or which shall be made in relation to such excepted Matters as aforesaid, and the same, if necessary, shall from Time to Time be distributed amongst or prosecuted by the Masters, or such of them as shall then remain, and the said Receiver Master, and his Successors in Office, in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

On Retirement of Masters, their Examiners and Clerks to be entitled to retiring Pensions of the same Amount as Salary.

40. Every Person who on the *First Day of* *One thousand eight hundred and* held the Office of Examiner or Assistant Clerk to any of the Masters in Ordinary of the said Court of Chancery whose Office is by this Act abolished, shall, upon the Master to whom he shall be such Examiner or Assistant Clerk being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, continue to be deemed an Officer of the Court of Chancery, and shall hold by the same Tenure, and be entitled to the like Salary and Superannuation Allowance, as if the Master to whose Office he is attached had not resigned or died, and shall, unless or until he shall retire pursuant to the Provisions of the "Court of Chancery (Ireland) Regulation Act, 1850," discharge such Duties connected with the Business of the Court, or the Arrangement and Classification of the Records of the said Court, as shall be assigned to him by any General Order of the Court, and every such Examiner or Assistant Clerk, who shall decline to discharge such Duties when called upon to do so, shall forfeit any Benefits to which he would be otherwise entitled under this Act.

Appointment of Office of

41. There shall be attached to the said Court a Second Assistant Registrar, who shall hold his Office upon the same Terms and with such

Second Assistant Registrar.

such Powers in all respects as are provided by a Statute passed in the Fourth Year of His late Majesty King George the Fourth, intituled "An Act for the better Administration of Justice in the "Court of Chancery in Ireland," in relation to the Principal Registrars of the said Court, and every such Assistant Registrar shall discharge such Duties in connexion with the Business of the said Court as shall be assigned to him by General Order of the Court; and there shall be paid to every such Assistant Registrar the net yearly Salary of *Eight hundred Pounds*, to be increased every Year of Service by the net annual Sum of *Twenty-five Pounds* until the net yearly Salary of such Assistant Registrar shall amount to the net yearly Salary of *One thousand Pounds*, but so that no such Increase shall take place without a Certificate of the Lord Chancellor to the like Effect as is provided in the Case of the Chief and Junior Clerks to be appointed under this Act, which Salary shall be paid free from all Deductions, except in respect of Income Tax; and the Lord Chancellor shall tender to each of the Master's Examiners whose Office is abolished by this Act, according to his Seniority in Office, the Option of accepting the said Office of Assistant Registrar; and if such Master's Examiner shall, for One Month after such Option has been tendered to him, neglect or decline to avail himself thereof, then the Lord Chancellor shall tender the like Option to the Examiner next in succession as aforesaid, and so toties quoties; and in case any of the said Examiners shall avail himself of the said Option, the Lord Chancellor shall thereupon appoint such Person to be an Assistant Registrar of the Court, pursuant to this Act; and the Court shall have Power, by General Orders, to regulate the Distribution of Business among the Offices of the said Masters, and to attach any Officer at present attached to any Master in Ordinary, whose Office is by this Act abolished, to any other Master, and in all respects to prescribe and regulate the Duties of such Officers; and in case all the Masters Examiners shall neglect or decline to avail themselves of the said Option, it shall be lawful for the Lord Chancellor to appoint One of the Clerks or Assistant Clerks in the Registrar's Office, or some fit or proper Person, having such Qualification as is herein-before prescribed in respect of Persons to be appointed Chief Clerks of the Master of the Rolls and the Vice-Chancellor, to fill the Office of Assistant Registrar of the said Court, pursuant to this Act: Provided always, that nothing herein contained shall be deemed to affect the Right of Succession of the Officers in the Registrar's Office, as now established, to any Office existing previous to the passing of this Act.

Option to Masters Examiners to accept it according to Seniority.

The Master's Registrars to be three of the Junior Clerks, and to hold during good Behaviour.

42. The Registrars who at the Time of the passing of this Act shall be attached to the Masters in Ordinary, whose Offices are by this Act abolished, shall be Three of the Junior Clerks to be appointed under this Act, and shall be attached to such Court as the Lord Chancellor shall, by an Order under his Hand, declare: Provided always, that every Registrar so becoming a Junior Clerk shall hold his Office during his good Behaviour, and so long as he shall personally attend to the Duties of his Office, but shall be removable by the Lord Chancellor, with the Concurrence of the Judge to whose Court he shall be attached, without stating any Cause for such Removal.

Power to the Lord Chancellor to make temporary Provision for Offices vacated.

43. Upon the Office of Examiner, Assistant Clerk, or Registrar becoming vacant, it shall be lawful for the Lord Chancellor, with the Assent of the Lords Commissioners of Her Majesty's Treasury, to make temporary Provision for the Discharge of the Duties of the Office so vacated, by employing some other Officer or Clerk of the Court of Chancery other than those attached to the Office of the Receiver Master, or by appointing some fit Person to fill such Office, until the Master in whose Office such Vacancy shall occur shall be removed by Resignation, Death, or otherwise, or shall have been released from his Duties under this Act; and every Person so to be employed by the Lord Chancellor shall, so long as he shall be employed, receive such Remuneration as the Lord Chancellor and Lords Commissioners of Her Majesty's Treasury shall fix, and shall be liable to perform the like Duties, and shall be subject to the same Obligations, Prohibitions, and Penalties, as the Officer in whose Place he shall be employed.

Assistant Registrar, Chief and Junior Clerks, to get Superannuations.

44. Every such Assistant Registrar and Chief Clerk to be appointed pursuant to this Act shall be deemed to be an Officer of the Court of Chancery in Ireland, and shall be entitled to the like retiring or Superannuation Allowances and upon the same Conditions as are provided for Officers by the Thirty-eighth Section of the "Court of Chancery (Ireland) Regulation Act, 1850;" and every Junior Clerk to be appointed pursuant to this Act shall be entitled to the like Superannuation Allowance and upon the same Conditions as are provided by the Thirty-ninth Section of the "Court of Chancery (Ireland) Regulation Act, 1850;" and the said retiring and Superannuation Allowances shall be paid out of the same Funds as are in the said Act specified, subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout: Provided always, that in case any Person at present holding any Office or Employment in the

Court of Chancery shall be appointed to the Office of Assistant Registrar, Chief Clerk, or Junior Clerk, under this present Act, the Period during which he has served in the said first-mentioned Office or Employment shall be taken into account and allowed in estimating the Period at which he shall be entitled to retire from the Office of Assistant Registrar, Chief Clerk, and Junior Clerk, pursuant to this Act, and the Amount of the Superannuation Allowance to which he shall be entitled.

On Appointment of Masters or Examiners to Office, &c., the retiring Pension under this Act to be regulated by the Salary, &c. of such Office.
15 & 16 Vict. c. 80. s. 50.

45. If at any Time hereafter any of the Masters in Ordinary of the said Court whose Office is hereby abolished, or any of their Examiners, Assistant Clerks, or Registrars, shall be appointed to and shall accept any Office or Employment under this Act, or connected with any Court of Law or Equity, or under the Crown, or in any Public Department under the Crown, and if the Salary attached to such Office or Employment, or any retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the retiring Pension or Compensation payable to such Master, Examiner, Assistant Clerk, or Registrar under this Act, such last-mentioned retiring Pension or Compensation shall during the Continuance of such Master, or such Examiner, Assistant Clerk, or Registrar, in such Office or Employment, or so long as he shall be in the Receipt of any retiring Pension or Allowance in respect thereof equal to or greater than his retiring Pension or Compensation under this Act, cease to be payable to such Master, or such Examiner, Assistant Clerk, or Registrar, as the Case may be; and if the Salary attached to such Office, or the retiring Pension or Allowance in respect thereof, shall be less than the Amount of such Master's retiring Pension, or the Compensation payable under this Act to such Examiner, Assistant Clerk, or Registrar, such Salary, retiring Pension or Compensation under this Act shall be reduced by the Amount of such Salary or of such retiring Pension or Allowance, as the Case may be.

Appropriation of Masters Offices.
15 & 16 Vict. c. 80. s. 51.

46. Such of the Masters Offices as shall not be assigned by the Lord Chancellor as Chambers for the Masters of the Rolls and Vice-Chancellors respectively, under the Provisions herein-after contained, shall be appropriated to such other Purposes connected with the Court of Chancery as the Lord Chancellor may from Time to Time direct.

Rights and Establishments of the present Masters to con-

47. Nothing herein contained shall prejudice or affect the Title of the present Masters in Ordinary of the said Court whose Offices are hereby abolished to the Salaries payable to them as such Masters unless and until they shall be respectively released under

this

tinue till released. 15 & 16 Vict. c. 80. s. 58.

this Act, or the Power of Her Majesty to order a retiring Allowance to any of them, who may be or become afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same, or the Power of the Lord Chancellor to order a retiring Allowance to any of their Examiners and Clerks in the like event; and subject to the Provisions herein contained, every of the said Masters in Ordinary of the Court, until released under this Act, shall have the same Establishment of Officers whose Salaries and Compensation shall be payable out of the same Funds as the Salaries and Compensations of such Officers are now payable, and all the Expenses attending the Establishment of the Masters Offices shall be paid in like Manner as such Expenses are now paid.

Office of Receiver Master preserved.

48. The Office of Receiver Master shall be maintained for the Discharge of the Duties herein specified; and Gerald Fitzgibbon, Esquire, the present Receiver Master of the said Court, shall be the Receiver Master of the said Court, pursuant to this Act, and the said Gerald Fitzgibbon, and his Successors in the said Office, shall discharge the Duties herein-after specified: Provided always, that nothing in this Act contained shall be held to repeal or affect the Provisions of any Act or Acts, or any Law or Usage, relating to the Appointment, Salary, and retiring Annuities of the said Receiver Master, or his Successors in Office, or the Provisions of any Act or Acts relating to the Master's Examiner or Assistant Clerk, or the Establishment or Office of the said Master, or his Successors in Office.

Powers of Receiver Master.

49. The said Receiver Master, and his Successors in Office, shall, subject to any General Orders, continue to have, exercise, and perform all such Authorities, Powers, and Duties as shall upon the said First Day of One thousand eight hundred and be possessed, exercised, and performed by him, or any other Master in Ordinary of the said Court, with reference to Receivers, Receivers Accounts, and the Management of Estates under Receivers, and all other Matters relating to Receivers, and also all such and such other Authorities, Powers, and Duties as shall on the said First Day of One thousand eight hundred and be possessed, exercised, and performed by, or shall be or have been imposed or conferred on him, or on any other Master, with respect to the auditing or keeping of any Accounts, or with respect to Inquiries in Lunacy Matters, or the Discharge of any other Duties in relation thereto respectively: Provided always, that nothing in this Act contained shall affect the Power of the said Receiver Master in relation to the winding-up of any Suits which on the First Day of One thousand eight hundred and may be pending in his Office.

References to Receiver Master.

50. It shall be lawful for the Lord Chancellor, the Master of the Rolls, the Vice-Chancellor, the Court of Appeal in Chancery, and the Masters to make such References to the said Receiver Master under this Act, and his Successors in Office, in relation to Receivers and the auditing of Accounts, and the Management and letting of Estates, as the Court shall by any General Orders direct, anything in this Act to the contrary notwithstanding.

PART III.

Procedure and Practice.

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Procedure and Practice.

Repeal of existing Acts and Portions of Acts.

51. From and after the Time appointed for the Commencement of this Act, the Acts and Parts of Acts mentioned in Schedule (A.) to this present Act shall be, and the same are hereby repealed, except in so far as may be necessary for the Purpose of supporting, continuing, or prosecuting any Suit or Proceeding begun before the Time appointed for the Commencement of this Act.

Practice of engrossing Bills on Parchment to be discontinued, and printed Bills to be filed instead. 15 & 16 Vict. c. 86. s. 1.

52. From and after the Time appointed for the Commencement of this Act, the Practice of engrossing on Parchment Bills of Complaint and of filing such Engrossments shall be discontinued; and the Deputy Keeper of the Rolls shall receive and file a printed Bill of Complaint in lieu of an Engrossment thereof, in the same Manner as he now receives such Engrossment.

Writs of Subpœna to be abolished. 15 & 16 Vict. c. 86. s. 2.

53. The Writ of Subpœna to appear to and answer a Bill of Complaint in the said Court shall be abolished.

Defend to be served with a printed Bill in lieu of a Writ of Subpœna. 15 & 16 Vict. c. 86. s. 3.

54. In lieu of serving the Defendant to a Bill of Complaint in the said Court with a Writ of Subpœna to appear to and answer the same, the Defendant shall be served with a printed Bill of Complaint, with an Endorsement thereon, in the Form or to the Effect set out in the Schedule (B.) to this Act, with such Variations as Circumstances may require, such printed Bill of Complaint so to be served being previously stamped with a proper Stamp by the Deputy Keeper of the Rolls in Ireland, indicating the filing of such Bill of Complaint, and the Date of the filing thereof.

The filing and Service of a printed Bill to have the same Effect as the

55. The filing of a printed Bill of Complaint in the said Court shall have the same Effect as the filing of a Bill of Complaint in the same Court and the issuing of a Subpœna thereon respectively now have, and the Service upon the Defendant of a printed Bill of filing and issuing of a Writ of Subpœna. 15 & 16 Vict. c. 86. s. 4.

Complaint so filed, with such Endorsement thereon, so stamped as aforesaid, shall have the same Effect as the Service on him of a Writ of Subpœna now has, and shall entitle the Plaintiff in such Suit to such Remedies for Default of Appearance and otherwise as he is now entitled to in case of due and proper Service of a Subpœna to appear to and answer a Bill of Complaint.

Service of printed Bill. 15 & 16 Vict. c. 86. s. 5.

56. The Service upon any Defendant of a printed Copy of a Bill of Complaint in the said Court shall be effected in the same Manner as Service of a Writ of Subpœna to appear to and answer a Bill of Complaint is now effected, save only that it shall not be necessary to produce the original Bill, which will be on the Files of the Court; provided that the Court shall be at liberty to direct substituted Service of such printed Bill in such Manner and in such Cases as it shall think fit.

Written Copies of Bill may be served, in certain Cases. 15 & 16 Vict. c. 86. s. 6.

57. Notwithstanding the Provisions herein-before contained, the Deputy Keeper of the Rolls in Ireland may receive and file a written Copy of any Bill of Complaint, praying a Writ of Injunction or a Writ of Ne exeat regno, upon the personal Undertaking of the Plaintiff or his Solicitor to file a printed Copy of such Bill within *Fourteen Days*, and every Bill of Complaint so filed shall be deemed and taken to have been filed at the Time of filing the written Copy thereof; and a written Copy of any such Bill of Complaint, stamped as aforesaid, and with such Endorsement thereon as aforesaid, may be served on any Defendant thereto, and such Service shall have the same Effect as the Service of a printed Copy.

Plaintiff to deliver printed Copies of Bill at Rate prescribed by General Order. 15 & 16 Vict. c. 86. s. 7.

58. The Plaintiff in any Suit to be commenced by Bill in the said Court after the Time appointed for the Commencement of this Act shall be bound to deliver to the Defendant or his Solicitor, upon Application for the same, such a Number of printed Copies of his Bill of Complaint, upon being paid for the same at such Rate as shall be prescribed by any General Order of the Court.

Provisions as to filing, &c. Prints of original Bill extended to Amendments.

In certain Cases a printed Bill may be wholly or

59. Upon the Amendment of any Bill of Complaint to be filed in the said Court after the Time appointed for the *Commencement of this Act*, the Provisions herein-before contained with respect to filing and serving and delivering printed Copies thereof shall, so far as may be, extend and be applicable to the Bill as amended; provided that where, according to the present Practice of the said Court in relation to Suits commenced by Bill, an Amendment of a Bill may be made without a new Engrossment thereof, or under such other Circumstances as shall be prescribed by any General Order of the Court, a Bill may be wholly or partially amended by written Alterations in the printed Bill of Complaint so to be filed as aforesaid.

partially amended.
15 & 16 Vict. c. 86. s. 8.

60. Every Bill of Complaint to be filed in the said Court after the Time appointed for the Commencement of this Act shall contain, as concisely as may be, a Narrative of the material Facts, Matters, and Circumstances upon which the Plaintiff relies, such Narrative being divided into Paragraphs numbered consecutively, and each Paragraph containing, as nearly as may be, a separate and distinct Statement or Allegation, and shall pray specifically for the Relief which the Plaintiff may conceive himself entitled to, and also for general Relief; but such Bill of Complaint shall not contain any Interrogatories for the Examination of the Defendant.

Bills of Complaint to contain concise Narratives of material Facts, &c. divided into numbered Paragraphs, but not to contain Interrogatories.
15 & 16 Vict. c. 86. s. 10.

61. Before the Name of any Person shall be used in any Suit in the said Court commenced by Bill as next Friend of any Infant, married Woman, or other Party, or as Relator in any Information, such Person shall sign a written Authority to the Solicitor for that Purpose, and such Authority shall be filed with the Bill or Information.

Next Friend of any Infant, &c. in any Suit, &c. to sign a written Authority.
15 & 16 Vict. c. 86. s. 11.

62. No Demurrer to any Bill of Complaint shall be allowed, save only a Demurrer for Want of Equity or for Multifariousness.

Demurrers abolished except for Want of Equity and Multifariousness.

63. No Plea to a Bill of Complaint shall be allowed, and all Defences to a Bill of Complaint which have heretofore been raised by Plea shall henceforth be raised by Answer to the Bill.

Pleas abolished.

64. Within a Time to be limited by a General Order of the Court in that Behalf, the Plaintiff in any Suit in the said Court commenced by Bill may, if he requires an Answer from any Defendant thereto, file in the Office of the Deputy Keeper of the Rolls in Ireland Interrogatories for the Examination of the Defendant or Defendants, or such of them from whom he shall require an Answer, and deliver to the Defendant or Defendants so required to answer, or to his or their Solicitor, a Copy of such Interrogatories, or of such of them as shall be applicable to the particular Defendant or Defendants; and no Defendant shall be called upon or required to put in any Answer to a Bill unless Interrogatories shall have been so filed, and a Copy thereof delivered to him or his Solicitor, within the Time so to be limited, or within such further Time as the Court shall think fit to direct.

Interrogatories to be filed in the Office of the Deputy Keeper of the Rolls by the Plaintiff within Time prescribed.
15 & 16 Vict. c. 86. s. 12.

Defendant may answer without Leave within Time fixed by a General Order, but after that Time must have Leave.
15 & 16 Vict. c. 86. s. 13.

65. Whether the Plaintiff in any Suit in the said Court commenced by Bill does or does not require any Answer from the Defendant or any One or more of the Defendants to the Bill, such Defendant or Defendants may, without any Leave of the Court, put in an Answer or Demurrer to the Plaintiff's Bill within such Time as shall be fixed by any General Order of the Court in that Behalf; but after that Time a Defendant or Defendants not required to answer the Plaintiff's Bill shall not be at liberty to put in an Answer or Demurrer to the Bill without Leave of the Court; provided that the Power of the Court to grant further Time for answering or demurring to any Bill, upon the Application of any Defendant or Defendants thereto, whether required to answer the Bill or not, shall remain in full Force, and shall not be in anywise prejudiced or affected; provided also, that if the Court shall grant any further Time to any Defendant for answering or demurring to the Bill, the Plaintiff's Right to move for a Decree under the Provisions herein-after contained shall in the meantime be suspended.

Defendant's Answer may contain not only Answer to Interrogatories, but Statements material to his Case.
15 & 16 Vict. c. 86. s. 14.

66. The Answer of the Defendant to any Bill of Complaint in the said Court may contain, not only the Answer of the Defendant to the Interrogatories so filed as aforesaid, but such Statements material to the Case as the Defendant may think it necessary or advisable to set forth therein, and such Answer shall also be divided into Paragraphs numbered consecutively, each Paragraph containing as nearly as may be a separate and distinct Statement or Allegation.

Defendant not to take Objection for Want of Parties in any Case to which Rules herein set forth shall extend.
15 & 16 Vict. c. 86. s. 42.

67. It shall not be competent to any Defendant in any Suit commenced by Bill in the said Court to take any Objection for Want of Parties to such Suit in any Case to which the Rules next herein-after set forth extend; and such Rules shall be deemed and taken as Part of the Law and Practice of the said Court, and any Law or Practice of the said Court inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1. Any Residuary Legatee or Next of Kin may, without serving the remaining Residuary Legatees or Next of Kin, have a Decree for the Administration of the Personal Estate of a deceased Person.

Rule 2. Any Legatee interested in a Legacy charged upon Real Estate, and any Person interested in the Proceeds of Real Estate directed to be sold, may, without serving any other Legatee or Person interested in the Proceeds of the Estate, have a Decree for the Administration of the Estate of a deceased Person.

Rule 3. Any Residuary Devisee or Heir may, without serving any Co-residuary Devisee or Co-heir, have the like Decree.

Rule 4. Any One of several Cestuis que Trust under any Deed or Instrument may, without serving any other of such Cestuis que Trust, have a Decree for the Execution of the Trusts of the Deed or Instrument.

Rule 5. In all Cases of Suits for the Protection of Property pending Litigation, and in all Cases in the Nature of Waste, One Person may sue on behalf of himself and of all Persons having the same Interest.

Rule 6. Any Executor, Administrator, or Trustee may obtain a Decree against any One Legatee, Next of Kin, or Cestui que Trust for the Administration of the Estate, or the Execution of the Trusts.

Rule 7. Any Mortgagee or other Incumbrancer on Land may have a Decree for a Foreclosure and Sale, or a Sale of the mortgaged Lands, without serving any other Mortgagee or Incumbrancer, or a Trustee for such Mortgagee or Incumbrancer, unless such Mortgagee, Incumbrancer, or Trustee is in the actual Possession or Receipt of the Rents and Profits of the mortgaged or incumbered Lands: Provided always, that a Person at whose Suit or for whose Benefit a Receiver or Sequestrator has been appointed or extended, or continues to receive the Rents and Profits of the Lands, shall not be deemed to be in Receipt of such Rents and Profits within the Meaning of this Rule.

Rule 8. In all the above Cases the Court, if it shall think fit, may require any other Person or Persons to be made a Party or Parties to the Suit, and may, if it shall see fit, give the Conduct of the Suit to such Person as it may deem proper, and may make such Order in any particular Case as it may deem just for placing the Defendant on the Record on the same Footing in regard to Costs as other Parties having a common Interest with him in the Matters in question.

Rule 9. In all the above Cases the Persons who, according to the Practice of the Court (previous to the passing of the Court of Chancery (Ireland) Regulation Act, 1850), would have been necessary Parties to the Suit, shall be served with Notice of the Decree, and after such Notice they shall, unless Cause be shown to the contrary, within a Time to be limited by a General Order of the Court, be bound by the Proceedings in the same Manner as if they had been originally made Parties to the Suit, and they may by an Order of course have Liberty to attend the Proceedings under the Decree; and any Party so served may, within such Time as shall in that Behalf be prescribed by the General Order of the Court, apply to the Court to add to or vary the Decree.

Rule 10. In all Suits concerning Real or Personal Estate which is vested in Trustees under a Will, Settlement, or otherwise, such Trustees shall represent the Persons beneficially interested under the Trust, in the same Manner and to the same Extent as the Executors or Administrators in Suits concerning Personal Estate represent the Persons beneficially interested in such Personal Estate; and in such Cases it shall not be necessary to make the Persons beneficially interested under the Trusts Parties to the Suit; but the Court may, upon Consideration of the Matter, on the Hearing, if it shall so think fit, order such Persons or any of them to be made Parties.

Practice of setting down a Cause on Objection for Want of Parties abolished. 15 & 16 Vict. c. 86. s. 43.

68. The Practice of the said Court of setting down a Cause merely on an Objection for Want of Parties to the Suit shall be abolished.

Plaintiff may, on Expiration of Time for answering, but before Replication, move for a Decree or Decretal Order. Affidavits may be filed. 15 & 16 Vict. c. 86. s. 15.

69. The Plaintiff in any Suit commenced by Bill shall be at liberty, at any Time after the Time allowed to the Defendant for answering the same shall have expired (but before Replication), to move the Court, upon such Notice as shall in that Behalf be prescribed by any General Order of the Court, for such Decree or Decretal Order as he may think himself entitled to; and the Plaintiff and Defendant respectively shall be at liberty to file Affidavits in support of and in opposition to the Motion so to be made, and to use the same on the Hearing of such Motion; and if such Motion shall be made after an Answer filed in the Cause the Answer shall for the Purposes of the Motion be treated as an Affidavit.

Court may refuse such Motion, or make Order for further Prosecution, &c. 15 & 16 Vict. c. 86. s. 16.

70. Upon any such Motion for a Decree or Decretal Order it shall be discretionary with the Court to grant or refuse the Motion, or to make an Order giving such Directions for or with respect to the further Prosecution of the Suit as the Circumstances of the Case may require, and to make such Order as to Costs as it may think right.

Practice of excepting to Bills, Answers, &c. for Impertinence abolished. Proviso as to Costs. 15 & 16 Vict. c. 86. s. 17.

71. All Exceptions for Insufficiency, and all Objections for Prolixity or Scandal which according to the existing Practice of the Court in Suits commenced by Bill are determined by the Master of the Court shall be heard and determined by the Court itself, and the Practice of objecting to Bills, Answers, and other Proceedings in the said Court for Impertinence shall be and the same is hereby abolished: Provided always, that it shall be lawful for the Court to direct the Costs occasioned by any impertinent Matter introduced into any Proceeding in the said Court to be paid by the Party introducing the same, upon Application being made to the Court for that Purpose.

13 & 14 Vict. c. 35. s. 27.

72. It shall be lawful for the Court, upon the Application of the Plaintiff in any Suit commenced by Bill, whether the Defendant may or may not have been required to answer the Bill, or may or may not have been interrogated as to the Possession of Documents, to make an Order for the Production by any Defendant upon Oath of such of the Documents in his Possession or Power relating to Matters in question in the Suit as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

Court may order Defendant to produce Documents, &c. on Oath.
15 & 16 Vict. c. 86. s. 18.

73. It shall be lawful for any Defendant in any Suit commenced by Bill (but as to Suits in which the Defendant is required to answer not until after the Defendant shall have put in a sufficient Answer to the Bill), and without filing any Cross Bill of Discovery, to file in the Office of the Deputy Keeper of the Rolls in Ireland Interrogatories for the Examination of the Plaintiff, to which shall be prefixed a concise Statement of the Subjects on which a Discovery is sought, and to deliver a Copy of such Interrogatories to the Plaintiff or his Solicitor; and such Plaintiff shall be bound to answer such Interrogatories, in like Manner as if the same had been contained in a Bill of Discovery filed by the Defendant against him on the Day when such Interrogatories shall have been filed, and as if the Defendant to such Bill of Discovery had on the same Day duly appeared; and the Practice of the Court with reference to excepting to Answers for Insufficiency or Objections for Scandal shall extend and be applicable to Answers put in to such Interrogatories: Provided always, that in determining the Materiality or Relevancy of any such Answer, or of any Exception or Objection thereto, the Court is to have Regard to the Statements contained in the original Bill, and in the Answer which may have been put in thereto by the Defendant exhibiting such Interrogatories for the Examination of the Plaintiff: Provided also, that a Defendant, if he shall think fit so to do, may exhibit a Cross Bill of Discovery against the Plaintiff, instead of filing Interrogatories for his Examination.

In certain Cases Defendant, after Answer, may file Interrogatories for Examination of Plaintiff.
15 & 16 Vict. c. 86. s. 19.

Defendant may exhibit a Cross Bill instead of filing Interrogatories.

74. It shall be lawful for the Court, upon the Application of any Defendant in any Suit commenced by Bill, but as to Suits in which the Defendant is required to answer the Plaintiff's Bill not until after he has put in a full and sufficient Answer to the Bill, unless the Court shall make any Order to the contrary, to make an Order

Upon Application of Defendant, after Answer, Plaintiff may be required to produce

Documents on Oath. 15 & 16 Vict. c. 86. s. 20.

for the Production by the Plaintiff in such Suit, on Oath, of such of the Documents in his Possession or Power relating to the Matters in question in the Suit as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

Practice of issuing Commissions to take Answers, &c. within the Jurisdiction of the Court abolished. 15 & 16 Vict. c. 86. s. 21.

75. The Practice of the said Court, of issuing Commissions to take Answers, Disclaimers, and Examinations in Causes and Matters pending in the said Court, shall, with respect to Answers, Disclaimers, and Examinations taken within the Jurisdiction of the Court, be and the same is hereby abolished; and any such Answer, Disclaimer, or Examination may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Masters Extraordinary to cease to be so styled, and to be designated Commissioners. 16 & 17 Vict. c. 78. s. 1.

76. The Persons now styled Masters Extraordinary in Chancery shall cease to be so styled, and they, and all Persons hereafter appointed by the Lord Chancellor to execute the like Duties in Ireland, shall be designated "Commissioners to administer Oaths in Chancery in Ireland," and shall possess and exercise all such Powers and discharge all such Duties as now appertain to the Office of Master Extraordinary in Chancery by virtue of any Statute or Order of the Court of Chancery or of the Lord Chancellor, or Usage in that Behalf, or otherwise.

Power to appoint Solicitors residing within Ten Miles of Dublin as Commissioners to take Oaths. 16 & 17 Vict. c. 78. s. 2.

77. It shall be lawful for the Lord Chancellor from Time to Time to appoint any Persons practising as Solicitors within *Ten Miles* from the Four Courts, Dublin, to administer Oaths and take Affidavits in Chancery, and to possess all such other Powers and discharge all such other Duties as aforesaid; and such Persons shall be styled "Dublin Commissioners to administer Oaths in Chancery," and they shall be entitled to charge and take a Fee of *One Shilling and Sixpence* for every Oath administered and for every Affidavit taken by them, subject to any General Order of the Court varying or annulling the same.

Clerk of Affidavits may administer Oaths and take Affirmations.

78. From and after the Time appointed for the Commencement of this Act it shall and may be lawful for the Clerk of Affidavits in Chancery for the Time being, and he is hereby authorized and required, to administer Oaths and take Affidavits in Chancery: Provided always, that the Clerk of Affidavits shall not be required, except under a special Order of the Court, to go out of his Office to administer the said Oaths or take the said Affidavits, and that when the Clerk of Affidavits shall be required by any Order of the Court to attend out of the said Office for the Purposes aforesaid, the Charge for every such Attendance, together with the Rate of his Travelling Expenses, if any, shall be expressed in such Order of the Court; and that it shall and may be lawful for the Clerk of Affidavits to receive such Sum for his Attendance, and also such Rate of Travelling Expenses, as shall be expressed in such Order of the Court, and no other or greater Sum.

Commissioners may be appointed to administer Oaths for the Isle of Man and the Channel Islands.
16 & 17 Vict. c. 78. s. 3.

79. It shall be lawful for the Lord Chancellor from Time to Time to appoint any Persons practising as Solicitors in the Isle of Man and in the Channel Islands, or any of them, to administer Oaths and take Affidavits, and to possess all such other Powers and discharge all such other Duties as aforesaid; and such Persons shall be styled "Commissioners to administer Oaths in Chancery," with the Addition of the Words "for the Isle of Man," or "for the Channel Islands," as the Case may be; and they shall be entitled to charge and take the same Fees as the said Commissioners to administer Oaths in Chancery.

Commissioners Appointment to bear a Chancery Stamp of in lieu of other Charges.
16 & 17 Vict. c. 78. s. 4.

80. *The Fiat or Document by which any such Commissioners as aforesaid shall be appointed shall bear a Chancery Fund Stamp of , but no other Charge or Fee shall be made or be payable in respect of such Appointment, or of anything requisite to be done in order to perfect the same; and it shall not be necessary that any such Appointment should be published in the Dublin Gazette.*

Nothing to lessen the Power of the Lord Chancellor.
References to Masters Extraordinary in Acts to apply to Commissioners.
16 & 17 Vict. c. 78. s. 5.

81. Nothing herein contained shall abridge or lessen the Power of the Lord Chancellor, as it now exists, to appoint fit Persons to administer Oaths, and take Affidavits in Chancery, or to regulate the Fees to be taken by them, and where any Act of Parliament refers to the Masters Extraordinary in Chancery, or to their Powers or Duties, the Reference shall be held to apply to and include the Commissioners herein-before mentioned, or to their Powers or Duties, as the Case may be.

Answers, Affidavits, &c. in Chancery, how to be sworn and taken in England, Scotland, the Channel Islands, &c.
15 & 16 Vict. c. 86. s. 22.

82. All Answers, Disclaimers, Examinations, and Affidavits, in Causes or Matters depending in the High Court of Chancery in Ireland, and also Acknowledgments required for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and taken in England or Scotland, or the Isle of Man, or the Channel Islands, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judges and other Officers of the said Court of Chancery shall take Judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice-Consul, attached, appended, or subscribed to any such Answers, Disclaimers, Examinations, and Affidavits, Acknowledgments, or other Documents to be used in the said Court.

Penalty for falsely swearing, &c. 15 & 16 Vict. c. 86. s. 23.

83. All Persons swearing before any Person authorized by this Act to administer Oaths and take Affidavits shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing contained therein as if the Matter sworn had been sworn before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, or Attestations upon Honour.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act. 15 & 16 Vict. c. 86. s. 24.

84. If any Person shall forge the Signature or the Official Seal of any such Judge, Court, Notary Public, Consul or Vice-Consul, or other Person lawfully authorized to administer Oaths under this Act, or shall tender in Evidence any Answer, Disclaimer, Examination, Affidavit, or other Judicial or Official Document with a false or counterfeit Signature or Seal of any such Judge, Court, Notary Public, Consul or Vice-Consul, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence of certain Official and other Documents."

Answers to be filed without Oath of Messenger.

85. Pleas, Answers, Disclaimers, or Examinations, whether taken by Commission out of the Jurisdiction of the said Court or otherwise, may be filed without the Oath of a Messenger, and any Alterations made thereon previously to the taking thereof shall be authenticated according to the Practice now in use with respect to Affidavits.

Issue may be joined by filing Replication. 15 & 16 Vict. c. 86. s. 26.

86. In Suits in the said Court commenced by Bill, where Notice of Motion for a Decree or Decretal Order shall not have been given, or, having been given, where a Decree or Decretal Order shall not have been made thereon, Issue shall be joined by filing a Replication in the Form given in Schedule (B.) to this Act, or in such other Form as shall be prescribed by a General Order of the Court; and where a Defendant shall not have been required to answer and shall not have answered the Plaintiff's Bill he shall be considered to have traversed the Case made by the Bill.

Defendant not having been required to answer and not answering may move for Dismissal of Bill for Want of Prosecution. 15 & 16 Vict. c. 86. s. 27.

87. Where a Defendant to a Suit in the said Court commenced by Bill shall not have been required to answer the Bill, and shall not have answered the same, such Defendant shall be at liberty to move to dismiss the Bill for Want of Prosecution, at such Times, and under such Circumstances, and subject to such Restrictions as shall be in that Behalf prescribed by any General Order of the Court.

Practice of Court as to and Mode of examining Witnesses abolished.

Court may order particular Witnesses to be examined upon Interrogatories. 15 & 16 Vict. c. 86. s. 28.

88. The Mode of examining Witnesses in Suits in the said Court commenced by Bill, and all the Practice of the said Court in relation thereto, so far as such Practice shall be inconsistent with the Mode herein-after prescribed of examining such Witnesses, and the Practice in relation thereto, shall, from and after the Time appointed for the Commencement of this Act, be abolished: Provided always, that the Court may, in any Suit commenced by Bill, if it shall think fit, order any particular Witness or Witnesses within the Jurisdiction of the said Court, or any Witness or Witnesses out of the Jurisdiction of the said Court, to be examined upon Interrogatories in the Mode now practised in the said Court in such Suits; and that with respect to such Witness or Witnesses the Practice of the said Court in such Suits in relation to the Examination of Witnesses shall continue in full Force, save only as far as the same may be varied by any General Order of the Court in that Behalf, or by any Order of the Court with reference to any particular Case.

Judge may, upon Application, order that the Evidence as to certain Facts or Issues shall be taken vivâ voce at the Hearing.

89. When any Cause commenced by Bill shall be at issue, the Plaintiff or any Defendant may, within such Time as shall be fixed by a General Order of the Court, apply by Summons, to be served upon the opposite Party, for an Order that the Evidence in Chief as to any Facts or Issues, such Facts or Issues to be distinctly and concisely stated in the Summons, may be taken vivâ voce at the Hearing of the Cause; and that the Judge may make an Order that the Evidence in Chief as to such Facts and Issues, or any of them, shall be taken vivâ voce at the Hearing accordingly; and the Facts and Issues as to which any such Order shall direct that the Evidence in Chief shall be taken vivâ voce at the Hearing shall be distinctly specified in such Order; but in case the Judge shall be satisfied that such Application is unreasonable, or made for the Purpose of Delay, Oppression, or Vexation, he may refuse to make any such Order; and where any such Order shall have been made the Examination in Chief as well as the Cross-examination and Re-examination shall be taken before the Court at the Hearing as to the Facts and Issues specified in such Order.

Evidence as to Facts not included in such Order as in last Section to be taken by Affidavit or Examination before the Examiner.

90. No Affidavit nor any Evidence taken before an Examiner shall be admissible at the Hearing of any such Cause as mentioned in the last preceding Section in respect of any Fact or Issue which shall be included in any Order directing Evidence in Chief to be taken vivâ voce at the Hearing, but, except as to the Facts or Issues included in such Order, each Party in a Cause in which Issue is joined shall be at liberty to verify his Case, either wholly or partially by Affidavit, or wholly or partially by the oral Examination of Witnesses ex parte before the Examiner of the Court, or an Examiner to be specially appointed by the Court or Judge.

Any Party in a Cause may by Subpœna require Attendance of any Witness at the Hearing.

91. Each Party shall be at liberty to sue out of the Office of the Clerk of Appearances and Writs Writs of Subpœna ad testificandum and Duces tecum to compel the Attendance at the Hearing of Witnesses whom he may desire to produce on any Issue or Matter of Fact included in such Order as is mentioned in the Eighty-ninth Section of this Act.

Any Party in a Suit may by Subpœna require Attendance of any Witness before an Examiner. 15 & 16 Vict. c. 86. s. 40.

92. Any Party in any Suit depending in the Court shall be at liberty to sue out a Writ of Subpœna ad testificandum or Duces tecum to compel the Attendance of any Witness before an Examiner of the said Court, or before an Examiner specially appointed as aforesaid, and examine such Witness orally, for the Purpose of using his Evidence upon any Motion, Petition, or other Proceeding before the Court; and every such Witness shall be bound to attend for Examination and shall be examined in like Manner as he would be bound to attend and be examined with a view to the Hearing of a Cause in which Issue is joined.

Examination before the Examiner to be ex parte.

93. Except as herein-after provided, all Examinations taken by the Examiners of the Court, or by any special Examiner, for the Purpose of being used at the Hearing of a Cause in which Issue is joined, shall be taken ex parte, the Examiner being furnished by the Plaintiff with a Copy of the Bill and Answer, if any, in the Cause; and no Person shall have a Right to be present at the taking of such Examination except the Party producing the Witness, his Counsel, Solicitor, and Agents; and every Deposition taken upon such Examination shall be deemed to be an Affidavit; and the Examiner, before transmitting the same to the Office of the Clerk of Affidavits, to be filed as herein-after provided, shall mark the same as taken ex parte.

Witnesses by Affidavits or who have been examined ex

94. Every Witness, whether a Party or not, who has made an Affidavit to be used at the Hearing of a Cause in which Issue is joined, or who has been examined ex parte before an Examiner with a view a view to such Hearing, and also every Person, whether a Party or not, who has made an Affidavit to be used upon any Motion, Petition, or other Proceeding before the said Court, shall be subject to oral Cross-examination by any opposite Party, either before the Court, or, in the Cases herein-after provided, before an Examiner, and after such Cross-examination may be re-examined orally by or on behalf of the Party by whom such Affidavit has been filed or Witness examined; and such Witness shall be bound to attend before the Court or such Examiner, to be so cross-examined and re-examined, upon being served with a Writ of Subpœna ad testificandum or Duces tecum; and the Party by whom or on whose Behalf such Affidavit shall have been filed or Witness examined shall be bound to produce such Deponent or Witness before the Court or Examiner, as the Case may be, to be so cross-examined and re-examined, upon due and proper Notice for that Purpose being served upon such Party or his Solicitor; and unless such Deponent or Witness be produced accordingly such Affidavit or Examination shall not be used as Evidence, unless by special Leave of the Court: Provided always, that the Party required to produce such Deponent or Witness shall be entitled to demand the reasonable Expenses of the said Deponent or Witness, in the first instance, if not already paid to such Deponent or Witness, from the Party requiring such Production, but such Expenses shall ultimately be borne as the Court shall direct: Provided also, that upon the Hearing of any Motion, Petition, or other Proceeding the Court shall always have a discretionary Power of acting upon such Evidence as may be before it, and of making such Interim Orders, or otherwise, as may appear necessary to meet the Justice of the Case.

parte before the Examiner may be cross-examined and re-examined.

And the Party filing their Affidavits or producing them bound to produce them for this Purpose.

95. Except as herein-after provided, no Cross-examination of any Deponent or Witness, or of any Party, to be used at the Hearing of a Cause in which Issue is joined, shall be taken otherwise than before the Court at the Hearing.

In Causes in which Issue is joined Cross-examination to be before the Court at the Hearing.

96. If at any Time after Issue joined the Parties shall, by Writing signed by them or their respective Solicitors, and filed at the Office of the Deputy Keeper of the Rolls, agree that the oral Examination in Chief, Cross-examination, and Re-examination of any Witness or Witnesses (whether a Party or Parties or not), or the Cross-examination and Re-examination of any Person or Persons who shall have made an Affidavit or Affidavits, or who shall have been examined ex parte before an Examiner, shall be taken before the Examiner of the Court or a special Examiner, such Examination, Cross-examination, and Re-examination, or Cross-examination and Re-

Parties may, by written Consent, agree that Examination, Cross-examination, and Re-examination of Witnesses shall take place before the Examiner.

Re-examination, may be taken accordingly, and shall be conducted in the Manner herein-after provided.

Power to the Court or Judge in certain Cases to direct Examination and Cross-examination to take place before the Examiner.

97. The Court or the Judge may direct that the oral Examination, Cross-examination, and Re-examination of any Witness (whether a Party or not), or the Cross-examination and Re-examination of any Person who has been examined ex parte before an Examiner or made an Affidavit, shall be taken before an Examiner of the Court or a special Examiner, in case it shall appear to the Court or Judge that, owing to the Age, Infirmity, or Absence out of the Jurisdiction of such Witness or Person, or for any other Cause which to the Judge shall appear sufficient, it is expedient that such Direction should be given.

In Cases provided for by the last Two Sections the Examination in Chief, Cross-examination, and Re-examination to take place before the same Examiner.

98. In all such Cases as are provided for in the last Two preceding Sections the Examination in Chief, Cross-examination, and Re-examination, or the Cross-examination and Re-examination, of any such Witness or Person as therein respectively mentioned, shall be taken before the same Examiner or special Examiner, or his Successor in Office; and the Cross-examination of every Witness or Person examined in chief shall immediately follow his Examination in Chief; and such Examination, Cross-examination, and Re-examination, or Cross-examination and Re-examination, as the Case may be, shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and shall be conducted as nearly as may be in the Mode now in use in Courts of Common Law with respect to a Witness about to go abroad, and not expected to be present at the Trial of a Cause.

In Suits to perpetuate Testimony Evidence to be taken according to present Practice.

99. In Suits to perpetuate Testimony Evidence shall continue to be taken according to the now existing Practice in Cases of Bills filed to perpetuate Testimony.

Depositions to be taken down in Writing, and read over to the Witness, who shall sign the same, but if he refuse to sign Examiner may, and state any special Matter he

100. The Depositions taken upon any such oral Examination, Cross-examination, and Re-examination as aforesaid before an Examiner shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him: Provided always, that in case the Witness shall refuse to sign the said Depositions, then the Examiner shall sign the same, and such Examiner may, upon all Examinations, state any special Matter to the Court as he shall think fit; provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions, but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just.

may think fit.
15 & 16 Vict. c. 86. s. 32.

101. If any Person produced as a Witness before any such Examiner shall refuse to be sworn or to answer any lawful Question put to him by the Examiner or by either of the Parties, or by his or their Counsel, Solicitor, or Agent, the same Course shall be adopted with respect to such Witness as is now pursued in the Case of a Witness produced for Examination before an Examiner of the Court upon written Interrogatories, and refusing to be sworn or to answer some lawful Question: Provided always, that if any Witness shall demur or object to any Question or Questions which may be put to him, the Question or Questions so put, and the Demurrer or Objection of the Witness thereto, shall be taken down by the Examiner, and transmitted by him to the Office of the Clerk of Affidavits of the Court, to be there filed, and the Validity of such Demurrer or Objection shall be decided by the Court; and the Costs of and occasioned by such Demurrer or Objection shall be in the Discretion of the Court.

If Parties refuse to be sworn or to answer any lawful Questions, the same Course to be pursued as is now adopted.
Proviso as to Witness demurring to Questions.
15 & 16 Vict. c. 86. s. 33.

102. The Re-examination of a Witness shall in all Cases follow his Cross-examination, and shall not, except by Consent or special Order of the Court, be delayed to a future Time.

Re-examination of Witness to follow Cross-examination.

103. When the Examination or Cross-examination and Re-examination of Witnesses before any Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Office of the Clerk of Affidavits, to be there filed; and any Person may have a Copy thereof, or of any Part or Portion thereof, upon Payment for the same, at such Time and in such Manner as shall be provided by any General Order of the Court in that Behalf.

Original Depositions to be transmitted to the Office of the Clerk of Affidavits.
15 & 16 Vict. c. 86. s. 34.

104. It shall not be necessary to sue out any Commission for the Examination of any Witnesses within the Jurisdiction of the Court; and any Examiner appointed by any Order of the Court shall have the like Power of administering Oaths as Commissioners

Commission for Examination of Witnesses dispensed with, and Examiner empowered

to administer Oaths.
15 & 16 Vict. c. 86. s. 35.

now have under Commissions issued by the Court for the Examination of Witnesses.

Affidavits to be divided into Paragraphs numbered.
15 & 16 Vict. c. 86. s. 37.

105. Every Affidavit to be used in the Court shall be divided into Paragraphs, and every Paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct Portion of the Subject.

Closing Evidence, Cross-examination, and Re-examination.

106. Except as to Facts or Issues included in any such Order as mentioned in the Eighty-ninth Section of this Act, and except as to the Cross-examination and Re-examination of Witnesses at the Hearing, the Evidence at both Sides to be used at the Hearing of a Cause in which Issue is joined shall be closed within such Time as shall in that Behalf be prescribed by any General Order of the Court, but with Power to the Court to enlarge such Period as it may think fit; and after the Time fixed for closing the Evidence, no further Evidence, whether oral or by Affidavit, shall be receivable without special Leave of the Court previously obtained for that Purpose.

Court may require the Production and oral Examination before itself of any Witness, &c., and determine Payment of the Costs.
15 & 16 Vict. c. 86. s. 39.

107. Upon the Hearing of any Cause commenced by Bill and depending in the Court, the Court, if it shall see fit so to do, may require the Production and oral Examination before itself of any Witness or Party in the Cause, and may direct the Costs of and attending the Production and Examination of such Witness or Party to be paid by such of the Parties to the Suit or in such Manner as it may think fit.

Evidence subsequent to Hearing to be taken as the Court shall prescribe by General Orders.

108. In Cases where it shall be necessary for any Party to any Cause depending in the Court to go into Evidence subsequently to the Hearing of such Cause, such Evidence shall be taken in such Manner as shall be prescribed in a General Order of the Court.

Power for Court, notwithstanding any Rule, &c. to the contrary, to receive Proof by Affidavit.
13 & 14 Vict. c. 35. s. 28.

109. Notwithstanding any Rule or Practice to the contrary, it shall be lawful for the Court, at the Hearing of any Cause or at a Hearing for any further Directions therein, to receive Proof by Affidavit of all proper Parties being before the Court, and of all such Matters as are necessary to be proved for enabling the Court to order Payment of any Monies belonging to any married Woman, and of all such other Matters not directly in issue in the Cause as in the Opinion of the Court may safely and properly be so proved.

Deeds and Documents referred to in Pleadings

110. Where any Deed or Document, or any Record, or any Portion thereof respectively, shall be relied on in any Pleading, the said Deed or Document, or the Copy of such Record, shall be produced upon every Hearing, or Motion, or other Proceeding in the said Suit, unless its Non-production can be satisfactorily excused; and in default thereof it shall be lawful for the Court or Judge before whom such Hearing, Motion, or other Proceeding shall take place to exclude the Party so in default from all Benefit or Advantage of the said Deed, Document, or Record, and to make such Order for the Postponement of such Hearing, Motion, or other Proceeding, and the Payment of the Costs occasioned by such Postponement, as shall seem to be just; and in the event of such Deed or Document, or the Copy of such Record, being produced, it shall be lawful for the Court or Judge to direct the same to be entered upon the Decree or Order of the Court to be made upon such Hearing, Motion, or other Proceeding, and to make such consequential Order in relation to Costs as to them or him shall seem fit.

to be produced on Hearings, Motions, and other Proceedings.

111. If in any Suit before the Court it shall appear to the Court that any deceased Person who was interested in the Matters in question has no legal Representative, it shall be lawful for the Court either to proceed in the Absence of any Person representing the Estate of such deceased Person, or to appoint some Person to represent such Estate for all the Purposes of the Suit or other Proceeding, on such Notice to such Person or Persons, if any, as the Court shall think fit, either specially, or generally by public Advertisements; and the Order so made by the Court, and any Orders consequent thereon, shall bind the Estate of such deceased Person in the same Manner in every respect as if there had been a duly constituted legal personal Representative of such deceased Person, and such legal personal Representative had been a Party to the Suit or Proceeding, and had duly appeared and submitted his Rights and Interests to the Protection of the Court.

Court may proceed in any Suit, &c. without Representative of deceased Person, or may appoint one. 15 & 16 Vict. c. 86. s. 44.

112. It shall be lawful for Persons interested or claiming to be interested in any Question cognizable in the Court as to the Construction of any Act of Parliament, Will, Deed, or other Instrument in Writing, or any Article, Clause, Matter, or Thing therein contained, or as to the Title or Evidence of Title to any Real or Personal Estate contracted to be sold or otherwise dealt with, or as to the Parties to or the Form of any Deed or Instrument for carrying any such Contract into effect, or as to any other Matter falling within the original Jurisdiction of the Court as a Court of Equity, or made subject to the Jurisdiction or Authority of the Court by any Statute, not being One of the Statutes relating to Bankrupts, and including among such Persons all Lunatics, married Women, and Infants, in the Manner and under the Restrictions herein-

Power to Persons interested in Questions cognizable in Court of Chancery to state Special Cases for the Opinion of the Court. 13 & 14 Vict. c. 35. s. 1.

herein-after contained, to concur in stating such Question in the Form of a Special Case for the Opinion of the said Court, and it shall also be lawful for all Executors, Administrators, and Trustees to concur in such Case.

How Lunatic may concur. 13 & 14 Vict. c. 35. s. 2.

113. The Committee of the Estate of any Lunatic interested or claiming to be interested in any such Question as aforesaid may, after having been authorized in that Behalf by the Lord Chancellor, concur in such Case in his own Name and in the Name and on the Behalf of the Lunatic.

How married Women may concur. 13 & 14 Vict. c. 35. s. 3.

114. A Husband interested or claiming to be interested in right of his Wife in any such Question as aforesaid may concur in such Case in his own Name and in the Name of his Wife where the Wife has no Claim to any Interest distinct from her Husband, and a married Woman having or claiming any Interest in any such Question as aforesaid distinct from her Husband may in her own Right concur in such Case, provided that her Husband also concurs therein.

How Infant may concur. 13 & 14 Vict. c. 35. s. 4.

115. The Guardian of any Infant interested or claiming to be interested in any such Question as aforesaid may concur in such Case in the Name and on the Behalf of the Infant, unless such Guardian has an Interest in such Question adverse to the Interest of the Infant therein.

How Special Guardian to be appointed for a Lunatic not found such by Commission and for Infant may concur. 13 & 14 Vict. c. 35. s. 5.

116. It shall be lawful for the Court, by Order to be made in the Matter of any Lunatic not found such by Inquisition, or in the Matter of any Infant, upon the Application of any Person on the Behalf of such Lunatic, or upon the Application of such Infant, by Motion or Petition, to appoint any Person shown by Affidavit to be a fit Person, and to have no Interest adverse to the Interest of the Lunatic or Infant, to be the Special Guardian of such Lunatic or Infant for the Purpose of concurring in such Case, in the Name and on behalf of the Lunatic or Infant, and any such Person so appointed may lawfully so concur: Provided always, that it shall be lawful for the Court to require Notice of such Application to be given to such Person, if any, as the Court shall think fit.

Order to appoint Special Guardian of an Infant may be discharged by Court, if

117. In any Case in which any such Order as aforesaid shall have been made by the Court in the Matter of any Infant without Notice to the Guardian of the Infant, it shall be lawful for the said Court, if it shall think fit so to do, to discharge such Order, upon the Application of such Guardian, by Motion or Petition; and the Court, if it shall think fit, may thereupon appoint some other fit Person to be the Special Guardian of such Infant for the Purpose of such Special Case, and may also give such Directions as may be necessary for substituting in such Special Case either the Name of the Guardian so applying, or of the Special Guardian so appointed, in lieu of the Name of the Special Guardian so displaced: Provided always, that the Discharge of any Order appointing a Special Guardian shall not invalidate anything which shall in the meantime have been done by such Special Guardian, unless the Court shall, upon Notice to all Parties, specially so direct.

made without Notice. 13 & 14 Vict. c. 35. s. 6.

118. Every such Special Case shall be intituled as a Cause between some or One of the Parties interested or claiming to be interested as Plaintiffs or Plaintiff, and the others or other of them as Defendants or Defendant; and in the Title to such Cases Lunatics and Infants shall be described as such, and their Committees, Guardians, or Special Guardians named; and where in any such Case a married Woman is named as a Plaintiff and her Husband as a Defendant thereto, a next Friend of such married Woman shall be named in the Title to such Case.

How such Special Cases to be intituled. 13 & 14 Vict. c. 35. s. 7.

119. Every such Special Case shall concisely state such Facts and Documents as may be necessary to enable the Court to decide the Question raised thereby, and upon the Hearing of such Case the Court and the Parties shall be at liberty to refer to the whole Contents of such Documents, and the Court shall be at liberty to draw from the Facts and Documents stated in any such Special Case any Inference which the Court might have drawn therefrom if proved in a Cause.

Form of Special Case. 13 & 14 Vict. c. 35. s. 8.

120. Every such Special Case to which an Infant or a Lunatic is a Party by his Guardian or Special Guardian shall also state how such Guardian or Special Guardian was constituted; and where any married Woman having or claiming any Interest distinct from her Husband is a Party to such Case, it shall be stated therein that she concurs in such Case in her own Right.

Special Case to state how Guardian constituted, and the Concurrence of married Woman. 13 & 14 Vict. c. 35. s. 9.

121. Every such Special Case shall be signed by Counsel for all Parties, and shall be filed in the same Manner as Bills are filed, and the Defendants may appear thereto in the same Manner as Defendants appear to Bills; and no Defendant shall be required to take an attested Copy of a Special Case, but an attested Copy thereof shall be taken by the Plaintiff.

SpecialCases to be signed by Counsel and filed, and Appearances to be entered. 13 & 14 Vict. c. 35. s. 10.

122. After a Special Case shall have been filed, and the Defendants shall have appeared thereto, all the Parties to such Special

After a Special Case filed, Parties

to be bound by Statements after Defendants have appeared, except married Women, Infants, and Lunatics, who are not to be bound till Leave given by Court to set it down. 13 & 14 Vict. c. 35. s. 11.

Case shall be subject to the Jurisdiction of the Court, in the same Manner as if the Plaintiff in the Special Case had filed a Bill against the Parties named as Defendants thereto, and such Defendants had appeared to such Bill; and upon the Special Case being filed, and Appearances entered thereto as aforesaid, all Parties to such Special Case, other than married Women, Infants, and Lunatics, shall for the Purposes of such Special Case be bound by the Statements therein; and all married Women, Infants, and Lunatics made Parties to a Special Case shall for the Purposes of such Special Case be bound by the Statements therein, when and not before Leave shall have been given by the Court to set down such Special Case in manner herein-after provided.

How Case to be set down for Hearing. 13 & 14 Vict. c. 35. s. 12.

123. So soon as all the Defendants shall have appeared to the Special Case the same may, subject to the Provisions herein-after contained, be set down for Hearing, and Subpœnas to hear Judgment issued and served according to the Practice of the said Court.

When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down. 13 & 14 Vict. c. 35. s. 13.

124. When any married Woman, Infant, or Lunatic is Party to a Special Case, Application may be made to the Court for Leave to set down the same, of which Application Notice shall be given to every Party to such Case in whom, as Executor, Administrator, or Trustee, any Property in question therein is or is alleged to be vested in trust for or for the Benefit of such married Woman, Infant, or Lunatic, and also, if such Application be not made by or on behalf of such married Woman, Infant, or Lunatic, to such married Woman and her Husband, or to such Infant, or to such Lunatic and his Committee, if any, as the Case may be; and upon the Hearing of such Application the Court may give Leave to set down such Case, if it shall be of opinion that it is proper that the Question raised therein shall be determined thereon, and shall be satisfied by Affidavit or other sufficient Evidence that the Statements contained therein, so far as the same affect the Interest of such married Woman, Infant, or Lunatic, are true, but otherwise may refuse such Application: Provided always, that in case the Court, upon the Hearing of such Application, shall be of opinion that it is proper that the Question raised in such Case shall be determined thereon, but shall not be satisfied that the Statements contained therein, so far as they affect the Interest of such married Woman, Infant, or Lunatic, are true, it shall be lawful for the Court to direct such Inquiries as to the Court shall seem proper, and upon further Application being made to give or refuse Leave to set down such Case, as to the Court shall seem fit.

125. It shall be lawful for the Court, upon the Hearing of any such Special Case as aforesaid, to determine the Questions raised therein or any of them, and by Decree to declare its Opinion thereon, and, so far as the Case shall admit of the same, upon the Right involved therein, without proceeding to administer any Relief consequent upon such Declaration; and every such Declaration of the Court contained in any such Decree shall have the same Force and Effect as such Declaration would have had, and shall be binding to the same Extent as such Declaration would have been, if contained in a Decree made in a Suit between the same Parties instituted by Bill: Provided always, that if upon the Hearing of such Special Case as aforesaid the Court shall be of opinion that the Questions raised thereby or any of them cannot properly be decided upon such Case, the Court may refuse to decide the same.

Upon Hearing, Court to determine Question and make Declaration.
13 & 14 Vict. c. 35. s. 14.

Proviso that Court may refuse to decide.
13 & 14 Vict. c. 35. s. 14.

126. Every Executor, Administrator, Trustee, or other Person making any Payment or doing any Act in conformity with the Declaration contained in any Decree made upon a Special Case, shall in all respects be as fully and effectually protected and indemnified by such Declaration as if such Payment had been made or Act done under or in pursuance of the express Order of the said Court made in a Suit between the same Parties instituted by Bill, save only as to any Rights or Claims of any Person in respect of Matters not determined by such Declaration.

Protection to be afforded to Trustees by Declaration.
13 & 14 Vict. c. 35. s. 15.

127. Where any Person shall be desirous to appeal from the Decision on such Special Case, it shall be lawful for the Court, upon Application for that Purpose, either at the Time of the Decree upon such Special Case being made or at any Time afterwards, and upon such Conditions, if any, as the Court shall think fit, to order that the Declaration contained in such Decree shall not be acted upon for such Time as the Court shall think just.

The Court may suspend the acting upon Declaration.
13 & 14 Vict. c. 35. s. 16.

128. The filing of a Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, shall be taken to be a Lis pendens, and may be registered under the Provisions of an Act made and passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled " An Act for the Protection of Purchasers " against Judgments, Crown Debts, Lis pendens, Commission of " Bankruptcy, and for providing One Office for registering all " Judgments in Ireland, and for amending the Laws in Ireland " respecting Bankrupts and Limitations of Actions," in like

Special Case to be a Lis pendens, and may be registered.
13 & 14 Vict. c. 35. s. 17.

Manner as any other Lis pendens in a Court of Equity may now be so registered, and, unless and until so registered, shall not bind a Purchaser or Mortgagee without express Notice thereof.

Mode of identifying Documents, and Court may Order Production.
13 & 14 Vict. c. 35. s. 18.

129. Any Documents referred to in a Special Case, and any Copies thereof or Extracts therefrom, identified by the Signature of the Solicitors for all Parties, or of the Town Agents of such Solicitors, may be produced and read at the Hearing of such Case, without further Proof; and it shall be lawful for the said Court at any Time after the filing of the Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, to order any Document which may be admitted thereby to be in the Possession of any Party to such Case to be deposited and produced in such Manner and for such Purposes as the Court shall think fit.

Power to Master of the Rolls and Vice-Chancellors to sit at Chambers for the Despatch of Business, &c.
15 & 16 Vict. c. 80. s. 11.

130. From and after the *First Day of*   *One thousand eight hundred and*   , it shall be lawful for the Master of the Rolls and the Vice-Chancellor for the Time being and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the Court as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions hereinafter in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

Power to Lord Chancellor to provide Chambers for Master of the Rolls and Vice-Chancellor.
15 & 16 Vict. c. 80. s. 12.

131. The Chamber Business of the Master of the Rolls and of the Vice-Chancellor respectively shall be carried on in conjunction with his Court Business; and it shall be lawful for the Lord Chancellor to cause Chambers to be provided for each of them for that Purpose, until Courts, with proper Rooms attached, can be provided for them.

Judges to have same Power and Jurisdiction as in open Court.
15 & 16 Vict. c. 80. s. 13.

132. The Master of the Rolls and the Vice-Chancellor respectively, when sitting in Chambers, shall have the same Power and Jurisdiction in respect of the Business to be brought before them as if they were respectively sitting in open Court.

Orders made at Chambers to be drawn up by Judges Clerks.
15 & 16 Vict. c. 80. s. 14.

133. Orders made by the Master of the Rolls and the Vice-Chancellor respectively, when sitting in Chambers, shall ordinarily be drawn up and signed by their respective Chief Clerks.

Orders made at Chambers to have same Force as Or-

134. All Orders of the Master of the Rolls or of the Vice-Chancellor, made at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

ders of Court, &c. 15 & 16 Vict. c. 80. s. 15.

Business to be disposed of in Chambers by the Judges. 15 & 16 Vict. c. 80. s. 26.

135. The Business to be disposed of by the Master of the Rolls and the Vice-Chancellor respectively while sitting at Chambers shall consist of such Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open Court, or as may from Time to Time be directed by any General Order of the Court.

Judges may adjourn from open Court to Chambers, and vice versâ, the Consideration of any Matter. 15 & 16 Vict. c. 80. s. 27.

136. It shall be lawful for the Master of the Rolls and the Vice-Chancellor respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

Mode of Proceeding before Judges at Chambers to be by Summons. 15 & 16 Vict. c. 80. s. 28.

137. The Mode of Proceeding before the Master of the Rolls and Vice-Chancellor respectively at Chambers shall be by Summons, and shall be regulated according to such Form and in such Manner as shall be prescribed by a General Order of the Court.

Power to the Judges to direct what Matters, &c. shall be heard and investigated by themselves, and what by their Chief Clerks. Right to Suitor to bring any Point before the Judge. 15 & 16 Vict. c. 80. s. 29.

138. From and after the *Day of One thousand eight hundred and* the Master of the Rolls and the Vice-Chancellor respectively shall have the sole Power (subject to any General Orders to be made on the Subject) to order what Matters and Things shall be investigated by and before their respective Chief Clerks, either with or without their Direction, during their Progress, and what Matters and Things shall be heard and investigated by themselves, and particularly, if the Judge shall so direct, his Chief Clerk shall take Accounts and make such Inquiries as have usually been prosecuted before the Examiners of the present Masters; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right herein-after provided for the Suitor to bring any particular Point before the Judge himself.

Power to Chief Clerks to issue Advertisements and Summonses, to administer Oaths, &c., as the Judge shall direct. 15 & 16 Vict. c. 80. s. 30.

139. Each Chief Clerk shall, for the Purpose of any Proceedings directed by the Master of the Rolls or the Vice-Chancellor to be taken before him, have full Power to issue Advertisements, to summon Parties and Witnesses, to administer Oaths, to take Affidavits and Acknowledgments, other than Acknowledgments by married Women, to receive Affirmations, and, when so directed by the Judge to whose Court he is attached, to examine Parties and

Witnesses either upon Interrogatories or vivâ voce, as such Judge shall direct.

Parties, &c. not attending liable to Process of Contempt and to Penalties for false swearing, &c.
15 & 16 Vict. c. 80. s. 31.

140. Parties and Witnesses so summoned shall be bound to attend in pursuance of any such Summons, and shall be liable to Process of Contempt, in like Manner as Parties or Witnesses are now liable thereto in case of Disobedience to any Order of the Court, or in case of Default in Attendance, in pursuance of any Order of the Court, or of any Writ of Subpœna ad testificandum; and all Persons swearing or affirming before any such Chief Clerk shall be liable to all such Penalties, Punishments, and Consequences for any wilful or corrupt false swearing or affirming contained therein as if the Matters sworn or affirmed had been sworn and affirmed before any Person now by Law authorized to administer Oaths, to take Affidavits, and to receive Affirmations.

Result of Proceedings before Chief Clerk to be embodied in Form of short Certificate, &c.
15 & 16 Vict. c. 80. s. 32.

141. The Directions to be given by the Master of the Rolls or the Vice-Chancellor for or touching any Proceedings before his Chief Clerk shall require no particular Form, but the Result of such Proceeding shall be stated in the Shape of a short Certificate to the Judge, and shall not be embodied in a formal Report, unless in any Case the Judge shall see fit so to direct; and when the Judge shall approve of such Certificate or Report he shall sign the same, in testimony of his adopting the same.

No Exceptions to lie to Certificate, &c.
Parties at liberty to take Opinion of Judge upon any particular Point.
15 & 16 Vict. c. 80. s. 33.

142. No Exceptions shall lie to any Certificate or Report of the Chief Clerk, although signed and adopted by the Judge, but any Party shall, either during the Proceedings before such Chief Clerk, or within such Time after such Proceedings shall have been concluded, and before the Certificate or Report shall have been signed and adopted, as the Court shall by any General Order direct, be at liberty to take the Opinion of the Judge upon any particular Point or Matter arising in the course of the Proceedings, or upon the Result of the whole Proceeding when it is brought by the Chief Clerk to a Conclusion.

Certificate, &c. signed and adopted by Judge binding on all Parties, unless discharged or varied.
15 & 16 Vict. c. 80. s. 34.

143. When any Certificate or Report of the Chief Clerk shall have been signed and adopted by the Judge, the same shall be filed in like Manner as Reports are now filed, and shall thenceforth be binding on all the Parties to the Proceedings, unless discharged or varied, either at Chamber or in open Court, according to the Nature of the Case, upon Application by Summons or Motion within such Time as shall be prescribed in that Behalf by any General Order of the Court; and nothing herein contained shall prejudice or affect the Power of the Court at any Time to open any such Certificate or Report, upon the same or the like Grounds as any Report of a Master of the said Court which has been absolutely confirmed may now be opened.

144. From and after the *One thousand eight hundred and* all or any of the Powers, Authorities, and Jurisdiction given to the Masters in Ordinary of the said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and the Vice-Chancellor respectively.

All Powers possessed by Masters to be exercised by Judges.
15 & 16 Vict. c. 80. s. 36.

145. From and after the *Day of* the Powers given to the Masters in Ordinary of the said Court and to the Court by Sections 31. 32, 33, 34, 35, 36, 37, and 38, of this Act, may be exercised by the Master of the Rolls and Vice-Chancellor respectively with respect to Causes, Matters, and Things which may be depending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Cause, Matter, or Thing so depending ought to be finally disposed of, unless the Parties or some of them can show good Cause to the contrary, he shall direct the same to stand in his Paper in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly.

Power to Judges to exercise the Powers given by Sections 31. to 38. inclusive of this Act, and to dispose of any Cause, &c. in open Court.
15 & 16 Vict. c. 80. s. 37.

146. And whereas it is expedient to provide Means for enabling Executors or Administrators of deceased Parties to ascertain whether there are any outstanding Debts or Liabilities affecting the Personal Estates of such Persons, without the Delay and Expense of Suits to administer such Estates: Be it therefore enacted, That upon the Application of the Executors or Administrators of any deceased Person at any Time after Probate or Letters of Administration shall have been granted, it shall be lawful for the Court or Judge, upon a Summons in the Form used for originating Proceedings at Chambers, by an Order in the Form or to the Effect set forth in the Schedule (B.) to this Act, with such Variations as Circumstances may require, to direct that an Account shall be taken of the Debts and Liabilities affecting the Personal Estate of such deceased Person; and after any such Order shall have been made the Court or Judge may, on the Application of the Executors or Administrators, restrain or suspend, until the Account directed by such Order shall have been taken, any Proceedings at Law against such Executors or Administrators by any Person having or claiming to have any Demand upon the Estate of the Deceased, upon such Terms and Conditions, if any, as to the Court or Judge shall seem just; and the Judge in taking an Account of the Debts and Liabilities pursuant to such Order shall, on the Application of the

Court or Judge, on Application of Executors or Administrators, may by Order of Course direct an Account of Debts and Liabilities to be taken.
13 & 14 Vict. c. 35. s. 19.
23 & 24 Vict. c. 38. s. 14.

the Executors or Administrators, be at liberty to direct that the Particulars only of any Claim or Claims which may be brought in pursuance of any such Order shall be certified by his Chief Clerk, without any Adjudication thereon; and any Notices for Creditors to come in which may be published in pursuance of any such Order shall have the same Force and Effect as if such Notices had been given by the Executors or Administrators in pursuance of the Twenty-ninth Section of the Act of the Twenty-second and Twenty-third Years of Victoria, Chapter Thirty-five: Provided always, that no such Order shall be made pending any Proceedings to administer the Estate of such Person; and that in case at any Time after the making of such Order any Decree or Order for administering the Estate of such deceased Person shall be made, it shall be lawful for the said Court by such Decree or Order to stay or suspend the Proceedings under such Order of Course on such Terms and Conditions, if any, as to the said Court shall seem just.

Certificate of Chief Clerk may be objected to by Application to the Court or Judge, of which Notice shall be given.
13 & 14 Vict. c. 35. s. 20.

147. It shall be lawful for any Person who may have come in under any such Order, and claim to be a Creditor upon the Estate of the deceased Person, or to have any Demand upon such Estate by reason of any Liability, and whose Debt or Claim may not have been wholly allowed by the Chief Clerk, to apply to the Court or Judge, in such Manner and within such Time as shall be provided by a General Order of the Court, to have such Claim allowed, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any Creditor of the deceased Person who may be authorized by special Leave of the Court or Judge so to do, to apply to the Court or Judge to have any Debt or Claim allowed which has been disallowed by the Chief Clerk, either wholly or partially; but, save as to any Debt or Claim as to which any such Notice as aforesaid may have been given, the Certificate or Report of the Chief Clerk shall, upon the filing of the Certificate or Report, be absolute: Provided always, that upon the Hearing of any such Application as aforesaid the Court or Judge may either dismiss such Application, or may order the Debt or Claim to which such Application relates to be allowed or disallowed, as the Case may be, and either wholly or partially, or may direct further Inquiry or further Proceedings, by way of Action or otherwise, touching such Debt or Claim, and after such Inquiry or Proceedings may deal with such Debt or Claim as to the Court or Judge shall seem just.

Proceeding of the Court on such Motion.
13 & 14 Vict. c. 35. s. 21.

If Debts or certain Liabilities allowed, and

148. In case any Debt or any certain Liability shall have been allowed as aforesaid, and shall not, within such Time as shall be prescribed by a General Order of the Court, be paid or provided for by Appropriation to the Satisfaction of the Person who has established such Liability, it shall be lawful for the Court or Judge, by Order, to be made in case of any Debt remaining due upon the Application of the Person to whom the Debt remains due, and on Notice to the Executors or Administrators, and in case of any certain Liability remaining unprovided for by Appropriation upon the Application of the Person by whom such Liability has been established, or of the Executors or Administrators, and on Notice by the Party applying to the other of them, to order Payment of the Debts which may have been allowed and remain unpaid, and to provide for the certain Liabilities which may have been allowed and remain unprovided for, in like Manner as the same could or might have been paid or provided for in a Suit for that Purpose instituted by Bill, or to direct an Account to be taken of the Debts and certain Liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual Accounts of the Personal Estate of the deceased Person, with all usual and proper Directions; and every such Order shall have the same Force and Effect and shall be prosecuted and carried on in like Manner as a Decree in a Creditor's Suit instituted by Bill.

not paid or provided for, Order may be made for Payment of Accounts. 13 & 14 Vict. c. 35. s. 22.

149. In case any contingent Liability shall be duly allowed as aforesaid, it shall be lawful for the Court or Judge, by Order, to be made upon the Application of the Executors or Administrators, on Notice to the Person who may have established such contingent Liability, to order such Sum of Money, Part of the Estate of the deceased Person, as to the Court or Judge shall seem just, to be set apart and appropriated for answering such contingent Liability, and to give such Directions as the Court or Judge shall think fit touching the Payment of such Sum of Money into Court, and the Investment thereof, and the Payment, Application, or Accumulation of the Interest or Dividends thereof in the meantime and until the same shall be required to answer such Liability, and when such Liability shall be ascertained or determined, to give such Directions as to the Payment of such Sum out of Court as the Court or Judge shall deem right: Provided always, that no Order to be made as aforesaid shall in any Manner bind the Assets so appropriated as against the Persons entitled to the Estate of the Deceased, subject to the contingent Liability; and any Person interested in such appropriated Assets may apply to the Court touching the same as he may be advised.

Court or Judge, on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability. 13 & 14 Vict. c. 35. s. 23.

150. That after the filing of such Certificate or Report as aforesaid it shall be lawful for the Court or Judge, upon the Application of the Executors or Administrators of the Deceased, by Order, to

Court may restrain Proceedings against Executors or Administrators. 13 & 14 Vict. c. 35. s. 24.

to restrain by Injunction any Proceedings at Law against them by any Person having or claiming to have any Demand upon the Estate of the Deceased by reason of any Debt or Liability, other than the Persons who may have established contingent Liabilities under the said Order for which no Appropriation may have been made.

Protection to be afforded to Executors and Administrators. 13 & 14 Vict. c. 35. s. 25.

151. In case no Debt or Liability, or no Debt or Liability other than a contingent Liability, shall have been allowed as aforesaid, or in case any Debt or Liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by Appropriation as aforesaid, all Payments made by the Executors or Administrators, or any of them, on account of the Estate of the deceased Person, and all Dispositions of such Assets made by them or any of them on account of such Estate, shall, as against all Persons having or claiming to have any Demand upon such Estate by reason of any Debt or Liability, other than Persons who may have established under the said Order any contingent Liability for which no such Appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a Decree of the Court: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Rights of any Creditor or other Person having any Demand or Claim upon the Estate of the Deceased against any Assets so paid or disposed of, or against the Persons to whom such Payment or Disposition may have been made, or against any Assets appropriated under the Provisions of this Act, and the Appropriation of which, if made under a Decree of the said Court in a Suit to which he was not a Party, would not have been binding upon him.

Creditor, &c. may summon Executor, &c. to show Cause why an Order for Administration of Personal Estate should not be granted. Power to Judge to order Administration of such Estate. 15 & 16 Vict. c. 86. s. 45.

152. It shall be lawful for any Person claiming to be a Creditor, or a specific, pecuniary, or residuary Legatee, or the Next of Kin, or some or One of the Next of Kin of a deceased Person, to apply for and obtain as of course, without Bill filed or any other preliminary Proceedings, a Summons from the Master of the Rolls or the Vice-Chancellor, requiring the Executor or Administrator, as the Case may be, of such deceased Person, to attend before him at Chambers, for the Purpose of showing Cause why an Order for the Administration of the Personal Estate of the Deceased should not be granted; and upon Proof by Affidavit of the due Service of such Summons, or on the Appearance in Person or by his Solicitor or Counsel of such Executor or Administrator, and upon Proof by Affidavit of such other Matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his Discretion he shall think fit so to do, to make the usual Order for the Administration of the Estate of the Deceased, with such Variations, if any, as the Circumstances of the Case may require; and the Order so made shall have the Force and Effect of a Decree to the like Effect made on the Hearing of a Cause between the same Parties; provided that such Judge shall have full discretionary Power to grant or refuse such Order, or to give any special Directions touching the Carriage or Execution of such Order, and in the Case of Applications for any such Order by Two or more different Persons or Classes of Persons, to grant the same to such One or more of the Claimants, or of the Classes of Claimants, as he may think fit; and if the Judge shall think proper the Carriage of the Order may subsequently be given to such Party interested, and upon such Terms as the Judge may direct.

Copy of Summons to be filed in the Office of the Deputy Keeper of the Rolls. 15 & 16 Vict. c. 86. s. 46.

153. A Duplicate or Copy of such Summons shall, previously to the Service thereof, be filed in the Office of the Deputy Keeper of the Rolls; and no Service thereof upon any Executor or Administrator shall be of any Validity unless the Copy so served shall be stamped with a Stamp of such Office indicating the filing thereof; and such Summons may be registered under the Provisions of the Act mentioned in the 128th Section of this present Act; and the filing and Registration of such Summons shall have the same Effect with respect to Lis pendens as the filing and Registration of a Bill.

Creditor, &c. may obtain an Order for Administration of Real Estate. 15 & 16 Vict. c. 86. s. 47.

154. It shall be lawful for any Person claiming to be a Creditor of any deceased Person, or interested under his Will, to apply for and obtain in a summary Way, in the Manner herein-before provided with respect to the Personal Estate of a deceased Person, an Order for the Administration of the Real Estate of a deceased Person where the whole of such Real Estate is by Devise vested in Trustees who are by the Will empowered to sell such Real Estate, and authorized to give Receipts for the Rents and Profits thereof, and for the Produce of the Sale of such Real Estate; and all the Provisions herein-before contained with respect to the Application for such Order at the Suit of a Creditor in relation to the Personal Estate of a deceased Person, and consequent thereon, shall extend and be applicable to an Application for such Order as last herein-before mentioned with respect to Real Estate.

Suit not to be dismissed for Misjoinder of Plaintiffs, but Court may modify its Decree

155. No Suit in the Court commenced by Bill shall be dismissed by reason only of the Misjoinder of Persons as Plaintiffs therein; but whenever it shall appear to the Court, that, notwithstanding the Conflict of Interest in the Co-plaintiffs, or the Want of Interest in some of the Plaintiffs, or the Existence of some Ground of

according to special Circumstances.
15 & 16 Vict. c. 86. s. 49.

of Defence affecting some or One of the Plaintiffs, the Plaintiffs, or some or One of them, are or is entitled to Relief, the Court shall have Power to grant such Relief, and to modify its Decree, according to the special Circumstances of the Case, and for that Purpose to direct such Amendments, if any, as may be necessary, and at the Hearing, before such Amendments are made, to treat any One or more of the Plaintiffs as if he or they was or were a Defendant or Defendants in the Suit, and the remaining or other Plaintiff or Plaintiffs was or were only Plaintiff or Plaintiffs on the Record; and where there is a Misjoinder of Plaintiffs, and the Plaintiff having an Interest shall have died, leaving a Plaintiff on the Record without an Interest, the Court may, at the Hearing of the Cause, order the Cause to stand revived as may appear just, and proceed to a Decision of the Cause, if it shall see fit, and to give such Directions as to Costs or otherwise as may appear just and expedient.

No Suit to be objected to because only declaratory Order sought.
15 & 16 Vict. c. 86. s. 50.

156. No Suit in the Court shall be open to Objection on the Ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding Declarations of Right without granting consequential Relief.

Court may decide between some of the Parties without making others interested Parties to the Suit.

157. It shall be lawful for the Court to adjudicate on Questions arising between Parties, notwithstanding that they may be some only of the Parties interested in the Property respecting which the Question may have arisen, or that the Property in question is comprised with other Property in the same Settlement, Will, or other Instrument, without making the other Parties interested in the Property respecting which the Question may have arisen, or interested under the same Settlement, Will, or other Instrument, Parties to the Suit, and without requiring the whole Trusts and Purposes of the Settlement, Will, or other Instrument to be executed under the Direction of the Court, and without taking the Accounts of the Trustees or other accounting Parties, or ascertaining the Particulars or Amount of the Property touching which the Question or Questions may have arisen: Provided always, that if the Court shall be of opinion that the Application is fraudulent or collusive, or for some other Reason ought not to be entertained, it shall have Power to refuse to make the Order prayed.

Proviso.
15 & 16 Vict. c. 86. s. 51.

In case of Abatement, &c. of Suit, an Order may be made, which shall have the

158. Upon any Suit in the said Court commenced by Bill becoming abated by Death, Marriage, or otherwise, or defective by reason of some Change or Transmission of Interest or Liability, it shall not be necessary to exhibit any Bill of Revivor or Supplemental Bill in order to obtain the usual Order to revive such Suit, or the usual or necessary Decree or Order to carry on the Proceedings; but an Order to the effect of the usual Order to revive or of the usual Supplemental Decree may be obtained as of course upon an Allegation of the Abatement of such Suit, or of the same having become defective, and of the Change or Transmission of Interest or Liability; and an Order so obtained, when served upon the Party or Parties who according to the present Practice of the Court would be Defendant or Defendants to the Bill of Revivor or Supplemental Bill, shall from the Time of such Service be binding on such Party or Parties in the same Manner in every respect as if such Order had been regularly obtained according to the existing Practice of the said Court; and such Party or Parties shall thenceforth become a Party or Parties to the Suit, and shall be bound to enter an Appearance thereto in the Office of the Clerk of Appearances and Writs within such Time and in like Manner as if he or they had been duly served with Process to appear to a Bill of Revivor or Supplemental Bill filed against him: Provided that it shall be open to the Party or Parties so served, within such Time after Service as shall be in that Behalf prescribed by any General Order of the Court, to apply to the Court by Motion or Petition to discharge such Order on any Ground which would have been open to him on a Bill of Revivor or Supplemental Bill, stating the previous Proceedings in the Suit, and the alleged Change or Transmission of Interest or Liability, and praying the usual Relief consequent thereon: Provided also, that if any Party so served shall be under any Disability other than Coverture, such Order shall be of no Force or Effect as against such Party until a Guardian or Guardians ad litem shall have been duly appointed for such Party, and such Time shall have elapsed thereafter as shall be prescribed by any General Order of the Court in that Behalf.

same Effect as a Bill of Revivor.
15 & 16 Vict. c. 86. s. 52.

159. It shall not be necessary to exhibit any Supplemental Bill in the Court for the Purpose only of stating or putting in issue Facts or Circumstances which may have occurred after the Institution of any Suit, but such Facts or Circumstances may be introduced by way of Amendment into the original Bill of Complaint in the Suit if the Cause is otherwise in such a State as to allow of an Amendment being made in the Bill, and if not the Plaintiff shall be at liberty to state such Facts or Circumstances on the Record, in such Manner and subject to such Rules and Regulations with respect to the Proof thereof, and the affording the Defendant Leave and Opportunity of answering and meeting the same, as shall in that Behalf be prescribed by any General Order of the Court.

New Facts, &c. after Commencement of Suit to be introduced as Amendments to Bill, &c.
15 & 16 Vict. c. 86. s. 53.

Where Account required to be taken, Court may give special Directions as to the Mode of taking same.
15 & 16 Vict. c. 86. s. 54.

160. It shall be lawful for the Court in any Case where any Account is required to be taken to give such special Directions, if any, as it may think fit, with respect to the Mode in which the Account should be taken or vouched, and such special Directions may be given either by the Decree or Order directing such Account, or by any subsequent Order or Orders, upon its appearing to the Court that the Circumstances of the Case are such as to require such special Directions; and particularly it shall be lawful for the Court, in Cases where it shall think fit so to do, to direct that in taking the Account the Books of Account in which the Accounts required to be taken have been kept, or any of them, shall be taken as primâ facie Evidence of the Truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised.

Where Real or Personal Property is the Subject of Proceedings, Court may allow to Parties Part or the whole of the annual Income.
15 & 16 Vict. c. 86. s. 57.

161. Where any Real or Personal Property shall form the Subject of any Proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the Claims thereon which ought to be provided for in such Suit, it shall be lawful for the said Court, at any Time after the Commencement of such Proceedings, to allow to the Parties interested therein, or any One or more of them, the whole or Part of the annual Income of such Real Property, or a Part of such Personal Property, or a Part or the whole of the Income thereof, up to such Time as the said Court shall direct, and for that Purpose to make such Orders as may appear to the said Court necessary or expedient.

Answer of Defendant on Motion for Injunction, or Receiver, &c. to be regarded as an Affidavit.
15 & 16 Vict. c. 86. s. 59.

162. Upon Application by Motion or Petition to the Court in any Suit depending therein for an Injunction or a Receiver, or to dissolve an Injunction, or discharge an Order appointing a Receiver, the Answer of the Defendant shall, for the Purpose of Evidence on such Motion or Petition, be regarded merely as an Affidavit of the Defendant, and Affidavits may be received and read in opposition thereto.

Power to obtain the Assistance of Accountants, Merchants, &c.
15 & 16 Vict. c. 80. s. 42.

163. It shall be lawful for the Court, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court to determine any Matter at issue in any Cause of Proceeding, and to act upon the Certificate of such Persons.

Taxing Master to regulate Fees to Accountants, &c.,

164. The Allowances in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, and other scientific Persons shall be regulated by the Taxing Master of the Court, subject to an

Appeal to the Court to which the Cause or Matter shall be attached, whose Decision shall be final.

subject to Appeal.
15 & 16 Vict. c. 80. s. 48.

165. In case any of the Directions herein contained with respect to the Practice and Course of Proceeding in the Court shall by Mistake of Parties fail to be followed in any Suit, it shall be lawful for the said Court, if it shall think fit, upon Payment of such Costs as such Court shall direct, to make such Order giving effect to and rectifying such Proceedings as may be justified by the Merits of the Case.

In case Directions as to Practice, &c. not followed, Court may make Order and award Costs.
15 & 16 Vict. c. 86. s. 60.

166. When by any Decree or Order Costs shall be ordered to be paid to any Person, and the Person to whom such Costs shall be ordered to be paid shall die before such Costs shall have been taxed or the Amount thereof ascertained, such Costs may be taxed and ascertained by the Taxing Master, notwithstanding the Death of such Person, on the Application of his personal Representative.

Costs may be taxed, notwithstanding the Death of Person to whom they are awarded.

167. When by any Decree or Order Costs shall be ordered to be paid by any Person, and in consequence of the Death of such Person such Costs cannot, according to the existing Law or Practice, be taxed or ascertained, it shall be lawful for the Court, on the Application of the Person entitled to such Costs, to direct the Taxing Master to tax and ascertain the same, upon Service of a Summons upon the personal Representative of the Person by whom such Costs have been ordered to be paid, or such Person as the Court shall appoint to represent the Estate of such deceased Person.

Costs may be taxed notwithstanding Death of Person by whom they are payable.

168. Summonses to tax Costs, pursuant to the Two last preceding Sections of this Act, shall be served in like Manner as ordinary Summonses issued by the Taxing Master, or in such Manner as the Taxing Master shall by any Writing to be signed by him direct.

Summons to tax to be served in ordinary Way.

169. The Taxing Master may proceed ex parte with such Taxation, in case the Person served with such Summons shall not, by himself or his Solicitor, attend pursuant thereto.

Taxing Master may proceed ex parte.

170. All Costs taxed and ascertained under the Provisions of this Act may be recovered in like Manner as if the same had been taxed and ascertained in the Lifetime of the Person to whom or by whom the same shall have been awarded to be paid, or of the Person in consequence of whose Death the same could not, according to the existing Law or Practice, have been taxed or ascertained, any Law or Practice to the contrary notwithstanding.

Taxed Costs may be recovered.

Pending Suits to be prosecuted according to present Practice.

171. Notwithstanding anything herein-before contained, all Suits which on the *Day of* shall be pending in the said Court, and all Suits commenced before the last-mentioned Day, which shall after that Day be continued or prosecuted in the Court, shall be so conducted, continued, or prosecuted in the same Manner and according to the same Practice as if this Act had not passed: Provided always, that it shall be lawful for the Lord Chancellor, by an Order to be made upon Motion or Petition in any particular Suit, to direct that the whole or any Part of the further Proceedings in such Suit shall thenceforth be continued, carried on, and prosecuted according to the Practice then in force for the Conduct of Suits commenced after the *Day of* .

Lord Chancellor and Judges to make General Rules and Orders for carrying Purposes of this Act into effect.

172. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lord Justice of the Court of Appeal in Chancery, and the Vice-Chancellor, or any Two of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Forms and Course of Procedure, and the Mode of taking Evidence in Suits, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and the Costs of any Proceedings under or in pursuance of this Act, including the fixing of a higher and lower Scale of Costs, Fees, and Allowances according to the Nature of such Proceedings, and the Amount involved, and for altering if necessary the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority; and all such Rules and Orders shall be and take effect as General Orders of the said Court: Provided always, that in making such General Orders regard shall be had to establishing and preserving Uniformity of Practice and Procedure in the Courts of Chancery in England and Ireland.

Such General Rules and Orders to be laid before Parliament.

173. All such General Orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting within *Five Days* after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within *Thirty-six Days* after such General Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such General

Orders ought not to continue in force, in such Case the whole, or such Part thereof as shall be so included in such Resolution, shall from and after such Resolution cease to be binding.

PART IV.

Fees and Stamps.

Part IV.

Fees and Stamps.

Power to the Court, with the Assent of the Lords Commissioners of Her Majesty's Treasury, to allow the Chancery Fund Duties payable under 4 G. 4. c. 78.

174. Whereas the Alterations in the Practice and Course of Procedure in the said Court will affect the Duties at present levied in respect of Proceedings in the said Court under the Name of Chancery Fund Duties, and in pursuance of the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to grant additional "Stamp Duties on certain Proceedings in the Court of Chancery "and in the Equity Side of the Court of Exchequer in Ireland," and it is essential that Power should be given to the Court, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to modify such Duties, so as to adapt the same to the Practice and Course of Procedure to be introduced pursuant to this Act: Be it enacted, That it shall be lawful for the Court, by any General Orders to be made as by this Act directed, and with the Consent of the Lords Commissioners of Her Majesty's Treasury, to vary, reduce, or abolish all or any of the Chancery Fund Duties now payable in relation to Proceedings in the said Court, and to substitute One or more Duty or Duties in lieu thereof, and the Court shall have full Power by any such General Orders from Time to Time to abolish any such Duties as aforesaid, anything in any Act or Acts relating to such Duties to the contrary notwithstanding.

Fees now payable in respect of Proceedings in Court, and accounted for to the Treasury, to be added to the Chancery Fund Duties.

175. From and after the Day of the Fees now payable in relation to Proceedings in the Court of Chancery in Ireland, and which are received in Money, and accounted for to Her Majesty's Treasury, shall be no longer received in Money, but shall be added to "The Chancery Fund" Duties at present payable in respect of such Proceedings, and such Fees shall be subject to be varied, reduced, or abolished in the Manner heretofore provided in respect of such Chancery Fund Duties; and all the Provisions at present in force in relation to the Collection and accounting for the said Chancery Fund Duties shall apply to the Collection and accounting for the said Fees.

Fees which are now accounted for to Suitors Fee Fund to

176. *From and after the Day of the Fees in relation to Proceedings in the said Court now received in Money, and which are accounted for with the Accountant General of the* be henceforth received by Stamps.

Court of Chancery in Ireland, for the Credit of the Account called the Suitors Fee Fund Account, shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable, and to be called "Chancery Fee Fund Stamp;" and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall by any General Order or Orders be directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings; and all Sums received in respect of such Chancery Fee Fund Stamps shall be accounted for and paid over to the said Accountant General, to be placed by him to the Credit of the Suitors Fee Fund Account of the Court of Chancery in Ireland, in the same Manner as the Fees represented by such Stamps now are.

No Officer hereafter to receive Fees for his own Use, but all Officers to be paid by Salary.

177. From and after the *Day of* no Officer of the Court of Chancery shall be entitled to receive and retain for his own Use any Fee or Reward whatsoever; and all Officers of the Court of Chancery and of the Judges thereof now entitled to receive and retain any Fees or other Payments for their own Use which by virtue of this Act they will cease so to receive after the *Day of* shall while they continue to hold their respective Offices receive, in lieu of all Fees or other Payments whatsoever now received by or paid or payable to them for their own Use, such Salary as, having regard to the Emoluments heretofore received by them, and to the Nature and Tenure of such Offices, the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall think just; and every such Officer shall in respect of the Salaries so fixed be in the same Position as regards his Superannuation Allowance as if such Fees continued to be payable; and upon the present Holders of such Offices respectively ceasing to hold the same the Lord Chancellor, with the Assent of the Lords Commissioners of Her Majesty's Treasury, shall fix the Salaries to be thereafter received in respect thereof with reference to the Nature and Duties of such Offices respectively.

Officers to continue to receive Fees until Lord Chancellor shall otherwise direct, and pay them into the Suitors Fee Fund.

178. It shall be lawful for all Officers of the Court of Chancery and of the Judges thereof, heretofore entitled to receive any Fees or Emoluments for their own Use, and for their Successors in their respective Offices, and their several and respective Clerks or Agents, to continue to receive and take all and every the Fees and Emoluments which have been accustomed to be paid to them until the Lord Chancellor shall by any Order or Orders otherwise direct; and all such Fees and Emoluments as shall accrue and be received by such Officers respectively, from and after *Day of* shall be accounted for with Her Majesty's Treasury, or with the Accountant General of the Court of Chancery in Ireland, and for the Benefit of "The Suitors Fee Fund Account," as the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall determine; and the Salaries of such Officers shall thenceforth be payable either out of the Suitors Fee Fund or such Monies as shall be provided by Parliament for that Purpose, according as the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall determine.

179. It shall be lawful for the Court by any General Orders to be made as by this Act directed, and with the Consent of the Lords Commissioners of Her Majesty's Treasury, to *vary*, reduce, or abolish all or any of the Chancery Fund Duties, Chancery Fee Fund Stamps, into which such Fees as aforesaid may be commuted under this Act, and to substitute One or more Fee or Fees, *Stamp or Stamps*, in lieu thereof, and to direct that all or any of such Fees *or Stamps* shall from a Day to be named in such Orders and thenceforth be collected.

Power to vary Fees.

180. *The Commissioners of Inland Revenue shall from Time to Time give the necessary Directions for carrying the Provisions of the Act and of every General Order of the Court made in pursuance thereof into effect, and shall provide everything that shall be necessary for that Purpose, and shall do or cause to be done everything that shall be necessary for the Receipt and Collection of the Money to be paid for such Stamps; and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them for such Chancery Fee Fund Stamps, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the Provisions of the Act as to such Chancery Fee Fund Stamps into effect; and it shall be lawful for the said Commissioners to pay and to deduct and retain out of such Monies all such Costs, Charges, and Expenses, and also to deduct all Sums of Money repaid on Allowances for spoiled Stamps, and after such Deduction they shall from Time to Time pay the Monies so to be received and collected into the Bank of Ireland, with the Privity of the Accountant General of the Court of Chancery, to the Credit of the Suitors Fee Fund of the Court of Chancery in Ireland.*

The Commissioners of Inland Revenue to carry General Orders relating to Fees and Stamps into effect. 15 & 16 Vict. c. 87. s. 8.

181. *It shall be lawful for the Lord Chancellor to direct any of the Officers of the Court of Chancery whose Duties may be diminished in consequence of the Substitution of Stamps for Money*

Provision for Sale of Stamps. 15 & 16 Vict. c. 87. s. 9.

Payments or otherwise under this Act to act under the Directions of the Commissioners of Inland Revenue in the Sale and Distribution of all or any of the Stamps to be used under this Act: Provided always, that in case it appear to the Lord Chancellor, having reference to the Duties to be performed by such Officers or any of them, that it is not convenient that they should act as aforesaid in the Sale and Distribution of Stamps, it shall be lawful for the Commissioners of Inland Revenue to appoint Persons for such Sale and Distribution, and to allow to such Persons so to be appointed by them such Discount or Poundage as they may think fit.

Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps. 15 & 16 Vict. c. 87. s. 10.

182. *It shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Regulations as they shall think fit for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage, if any, allowed on the Sale of Stamps of the like Kind.*

Commissioners to have Powers in 5 & 6 Vict. c. 82. 15 & 16 Vict. s. 11.

183. *For the Purpose of raising, levying, and collecting the Stamps and other Duties made payable by this Act, the Commissioners of Inland Revenue shall have and be vested with all the Powers and Authorities of the said Act of the Fifth and Sixth Victoria, Chapter Eighty-two, and the Acts therein recited or referred to; and the several Provisions of the said Acts (so far as the same are not inconsistent with this Act) shall be applicable to the Stamps and other Duties to be collected and raised under this Act, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relative thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.*

Box Money to be henceforth received in Stamps.

184. *That from and after the Day of the Fees in relation to Proceedings in the said Court, at present received under the Name of Box Money, shall no longer be received in Money, but by a Stamp denoting the Fee which otherwise would be payable, and to be called "The Box Fund Stamp;" and where such Fee shall be payable in respect of any Document such Stamp shall,*

shall, at the Expense of any Party liable to pay the Fee in such Manner and under such Regulations as shall be directed by any General Order or Orders, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceedings in respect whereof such Fee is payable are written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings; and all Sums received in respect of such Box Fund Stamps shall be accounted for and paid over to the Accountant General, to be placed by him to the Credit of an Account to be intituled in his Books "The Box Fund Account," and it shall be lawful for the Secretary of the Lord Chancellor from Time to Time to draw upon the Accountant General to the Extent of the Sums from Time to Time standing to the Credit of the Fund, the Sums so drawn to be applied under the Direction of the Lord Chancellor to the same Purposes as the Box Money is now applied.

No Document to be received or used unless stamped.
15 & 16 Vict. c. 87. s. 12.

185. No Document which by any such General Orders as aforesaid shall be required to have a Stamp impressed thereon or affixed thereto shall be received or filed, or be used in relation to any Proceeding in the Court of Chancery, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto, in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has through Mistake or Inadvertence been received or filed or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Lord Chancellor, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto; and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto, in compliance with any such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.
15 & 16 Vict. c. 87. s. 13.

186. If any Officer of the Court of Chancery or other Person shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected shall be lost or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment, if the Lord Chancellor shall think fit so to order.

Acts and General Orders shall apply to reduced Fees.

187. When any of the Fees now payable shall be reduced as aforesaid, the Provisions of all Acts and General Orders relating to the original Fees, save where inconsistent with this Act or the General Orders, shall apply to such reduced Fees.

Act not to extend to Fees in Bankruptcy.

188. Nothing in this Act contained shall apply to the Stamp Duties or Fees payable in the Bankrupt Court, or to abolish the Stamp Duties or Fees relating to Commissions of Bankruptcy.

Part V.

Miscellaneous.

PART V.

Miscellaneous.

Salaries to be payable quarterly out of Fee Fund.

189. Except as herein otherwise provided, all Salaries and Compensation under this Act shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor on the *Day of* , the *Day of* , the *Day of* , and the *Day of* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Books of the Bank of Ireland in the Name of the Accountant General of the Court of Chancery to the Account intituled "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout; and if the said Fund shall prove insufficient for the Payment of the said Salaries, the Balance shall be paid out of such Funds as Parliament shall from Time to Time provide for the Purpose; and if any Person holding any of the said Offices shall die, resign, or be removed from the same, or if any Person entitled to such Allowance shall die, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have lived or executed his Office since the last Payment.

Dividends of Funds which have not been dealt with for Ten Years may be transferred to the Suitors Fee Fund Account. 16 & 17 Vict. c. 98. s. 1.

190. On the *First Day of October* next after the passing of this Act, and on the same Day in each succeeding Year, an Investigation shall be made into the several Accounts standing in the Name of the said Accountant General to the Credit of any Cause or Matter the Dividends of which shall not have been dealt with for Ten Years or upwards prior to such Time, otherwise than by the Investment of Dividends, and the Lord Chancellor, if and when he shall be of opinion that it is not probable that any Claim will be made for the same, may make Orders for the Investment of the Cash on any such Accounts and for the Appropriation of the future Dividends to accrue due on the Stock for the Time being on any such Accounts, or such Part of such Dividends as he shall be of opinion may safely and properly be so appropriated by carrying the same over to the Credit of the Account in the Books of the Accountant General called the "Suitors Fee Fund Account;" and such Dividends, when so carried over, shall thereupon become Part of the Fund standing to such Account.

Rights of Suitors to Stock or Dividends transferred not to be affected, but to be satisfied out of the Suitors Fee Fund. 16 & 17 Vict. c. 98. s. 2.

191. The Right of any Suitor of the said Court to the Stock the Dividends of which shall be appropriated by any such Order or Orders as aforesaid, or to the Dividends so directed to be appropriated, shall not be in anywise prejudiced or affected by such Order or Orders, or by such Appropriation in pursuance thereof as aforesaid, but the Claims of such Suitor or Suitors shall be made good and satisfied out of the Fund standing to the Credit of the Accounts called the Suitors Fee Fund Account and the Suitors Unclaimed Dividend Account, or either of them, by virtue of any Order or Orders to be from Time to Time made by the said Court for that Purpose.

Power to Parties ordered to invest in Transfer Stock, to employ any licensed Stock Broker.

192. It shall be lawful for the Party or Parties in any Suit who shall be ordered to invest any Money in the Purchase of the Stocks, Funds, or Annuities transferable at the Bank of Ireland, or to transfer for Sale or otherwise any of the said Stocks, Funds, or Annuities, to employ any One of the licensed Stock Brokers, being a Member of the Stock Exchange in Dublin, to make such Investment and Transfer.

Commencement of the Act.

193. This Act shall commence and take effect from and after the Day of , provided that such General Orders as aforesaid may be made at any Time after the passing of this Act, but so as that the same shall not be made to take effect before the Time appointed for the Commencement of this Act.

SCHEDULES.

SCHEDULE (A.) REFERRED TO BY THE FOREGOING ACT.

13 & 14 Victoria, c. 89. ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.

23 & 24 Victoria, c. 38. s. 14.

SCHEDULE (B.) REFERRED TO BY THE FOREGOING ACT.

Form of Endorsement on Bill of Complaint.

Victoria R.

To the within-named Defendant, *C.D.*, greeting:

We command you ["and every of you," *where there is more than One Defendant*], that within Eight Days after Service hereof on you, exclusive of the Day of such Service, you cause an Appearance to be entered for you in Our High Court of Chancery to the within Bill of Complaint of the within-named *A.B.*, and that you observe what Our said Court shall direct. Witness Ourselves at Dublin, the Day of in the Year of Our Reign.

NOTE.—If you fail to comply with the above Directions you will be liable to be arrested and imprisoned.

Appearances are to be entered at the Office of the Clerk of Appearances and Writs, Four Courts, Dublin.

Form of Replication.

Between *A.B.*, Plaintiff,
and
C.D., *E.F.*, *G.H.*, &c., Defendants.

The Plaintiff in this Cause hereby joins Issue with the Defendant [*all the Defendants who have answered, or who have not been required to answer and have not answered the Bill*], and will hear the Cause upon Bill and Answer against the Defendant *E.F.* [*all the Defendants against whom the Cause is to be heard on Bill and Answer*], and on Order to take the Bill as confessed against the Defendant *G.H.* [*as the Case may be*].

Form

Form of Order for Administration of Personal Estate.

[Date.]

In the Matter of *A.B.*, late of in the County of
Banker [*or as the Case may be*], deceased.

Upon the Application of *C.D.*, the Executor of the Will, *or* Administrator of the Effects of the above-named *C.D.*, and reading the Probate of the said Will or Letters of Administration of the Effects of the said *A.B.*, granted on the Day of , to the said *C.D.*, and an Affidavit of the said *C.D.* that no Proceedings are pending to administer the Estate of the said *A.B.*, this Court doth order that an Account be taken of the Debts and Liabilities affecting the Personal Estate of the said *A.B.*: And in taking such Account Debts are to be distinguished from Liabilities, and Liabilities certain from Liabilities contingent; and the Personal Estate of the said *A.B.* is to be applied in Payment and Satisfaction of such Debts and Liabilities of the said *A.B.* in a due Course of Administration; and any of the Parties are to be at liberty to apply to the Court as there shall be Occasion.

Court of Chancery (Ireland.)

A

BILL

To amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland.

(Prepared and brought in by
Mr. Attorney General for Ireland and Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
15 *February* 1866.

[Bill 19.]

Under 9 *oz.*

A

B I L L

TO

Make Provision in regard to the Mode of taking Evidence in Civil Causes in the Court of Session in Scotland.

Preamble.

WHEREAS the Practice of taking Proofs by Commission in Causes before the Court of Session in Scotland is productive of unnecessary Expense and of great Delay in the Administration of Justice:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Evidence to be taken before the Lord Ordinary.

1. Except as herein-after enacted, it shall not be competent in any Cause depending before the Court of Session to grant Commission to take Proof; but where in such Causes it is, according to the existing Practice, competent to take Proof by Commission, and where in such Causes Proof shall be allowed (which the Lord Ordinary is hereby authorized to allow, without the Consent of both Parties, and without reporting to and obtaining the Leave of the Inner House), a Diet of Proof shall be appointed, which Diet may be fixed, in the Discretion of the Lord Ordinary, either during the Sitting of the Court or in Vacation, at which the Evidence shall be led before the Lord Ordinary, and he shall himself take and either write down with his own Hand the oral Evidence, in which Case it shall be read over to the Witness by the Judge in open Court, and shall be signed by the Witness, if he can write; or the Lord Ordinary shall record the Evidence by dictating it to a Clerk, in which Case it shall also be read over to and signed by the Witness; or the Lord Ordinary shall cause the Evidence to be taken down and recorded in Shorthand by a Writer skilled in Shorthand Writing, to whom the Oath De fideli administratione officii shall be administered; and the Lord Ordinary may if he think fit, dictate to the Shorthand Writer the Evidence which he is to record; and the Shorthand Writer shall afterwards write out the Evidence so taken by him; and the extended Notes of such Shorthand Writer, certified by the presiding Judge to be correct, shall be the Record of the oral Evidence in the Cause; and the Lord Ordinary shall himself take or dictate to his Clerk or Shorthand Writer a Note of the Documents adduced; and any Ruling of the Lord Ordinary in reference to the Admission or Rejection of Evidence may be recalled or altered by the Inner House on a Reclaiming Note against the final Interlocutor of the Lord Ordinary disposing of the Cause; and the Proof shall be taken continuously in like Manner as at Jury Trials in Civil Causes before the Court of Session in Scotland, but with Power to the Lord Ordinary to adjourn the Proof upon such Grounds as Causes set down for Jury Trial may according to the existing Law and Practice be adjourned or postponed.

In what Cases Proof may be taken by Commission.

2. Provided always, That it shall be competent to the Judges of either Division of the Court or to the Lord Ordinary to grant Commission to any Person competent to take and report in Writing the Depositions of Havers; and also with Consent of both Parties to grant Commission to take the Evidence in any Cause in which Commission to take Evidence may, according to the existing Law and Practice, be granted; and also to grant such Commission to take and report in Writing according to the existing Practice the Evidence of any Witness who is resident beyond the Jurisdiction of the Court, or who, by reason of Age, Infirmity, or Sickness, is unable to attend the Diet of Proof.

Disposal of Questions on Admission of Evidence.

3. Where Proof shall be ordered by One of the Divisions of the Court, such Proof shall be taken before any One of the Judges of the said Division, or of the Lords Ordinary, to whom the Court may think fit to remit, in one or other of the Modes above provided, in Section First hereof, and his Rulings upon the Admissibility of Evidence in the course of taking such Proof shall be subject to Review by the Division of the Court in the Discussion of the Report of the Proof; and when the Court shall alter any Finding of the Judge rejecting Evidence, they shall, if they think the Justice of the Case requires it, remit to have such Evidence taken.

4. If both Parties consent thereto, it shall be competent to the Lord Ordinary to take Proof in the Manner above provided in Section First hereof, in any Cause which may be in Dependence before him, notwithstanding of the Provisions contained in the Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, Chapter One hundred and twenty, Section Twenty-eight, and the Provisions contained in the Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Thirty-six, Section Forty-nine, and the Judgment to be pronounced by him upon such Proof shall be subject to Review in the like Manner as other Judgments pronounced by him.

With Consent, Evidence in Causes now depending may be taken before the Lord Ordinary.

5. The Court of Session are hereby authorized and empowered to make from Time to Time such Orders and Regulations as to Forms of Process by Acts of Sederunt as they may consider necessary for carrying into execution the Purposes of this Act.

Procedure to be regulated by Act of Sederunt.

6. Nothing in this Act contained shall be held to affect "The Conjugal Rights (Scotland) Amendment Act, 1861."

This Act not to affect Conjugal Rights Act.

7. This Act may be cited for all Purposes as "The Evidence (Scotland) Act, 1866."

Short Title.

Court of Session (Scotland).

A

BILL

To make Provision in regard to the Mode of taking Evidence in Civil Causes in the Court of Session in Scotland.

(Prepared and brought in by
The Lord Advocate and Mr. Solicitor General
for Scotland.)

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1866.

[Bill 204.]

Under 1 *oz.*

A

BILL

TO

Amend the Acts relating to the intended Courts of Justice.

WHEREAS the Courts of Justice Commissioners (appointed under Section Four of The Courts of Justice Building Act, 1865,) have advised the Commissioners of Her Majesty's Treasury that it is desirable that Part of the Money provided by Parliament for the Purposes of The Courts of Justice Concentration (Site) Act, 1865, should be applied in or towards the Purchase of Lands adjacent to Lands prescribed in that Act, for the widening of Carey Street, for improving the Access of Light and Air to the intended Building for the Courts of Justice, and for such other Objects as the Commissioners of Her Majesty's Treasury think advantageous in relation to the intended Concentration of the Courts of Justice:

Preamble.
28 & 29 Vict. c. 48.
28 & 29 Vict. c. 49.

And whereas the Expense thereof is not included in the Estimate given in pursuance of Section Nineteen of The Courts of Justice Concentration (Site) Act, 1865, and therefore cannot be defrayed out of the Money already provided by Parliament for the Purposes of that Act; and the Courts of Justice Commissioners have recommended that any Money applied as aforesaid be repaid by means of the Taxation of Suitors of the Courts (other than the Court of Chancery) to be accommodated in the said Building:

Be

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Advance by Treasury for Purchase.

1. Any Money required to be applied as aforesaid may, if the Commissioners of Her Majesty's Treasury think fit, be paid in the first instance out of the Money already provided by Parliament for the Purposes of The Courts of Justice Concentration (Site) Act, 1865.

Advance to be repaid by Rent of Courts Fee.

2. Any Advance made under the Authority of this Act, with Interest thereon, shall be repaid by means of the Contribution to be levied under The Courts of Justice Building Act, 1865, on Suitors (other than those of the Court of Chancery) using the said Building, and the Redemption Annuity to be created, and the Rent of Courts Fee to be taken, under the same Act, as nearly as may be as if such Advance formed Part of the Advances authorized by that Act.

Short Title.

3. This Act may be cited as The Courts of Justice Act, 1866.

Courts of Justice.

A

BILL

To amend the Acts relating to the intended Courts of Justice.

(*Prepared and brought in by*
Mr. Hunt and Lord John Manners.)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1866.

[Bill 217.]

Under 1 *oz.*

Crown Lands Bill.

ARRANGEMENT OF CLAUSES.

Permanent Improvements.

CLAUSES.

1. Power for Treasury to direct Cost of Improvements to be charged to Capital and repaid out of Income.

Mines.

2. Capitalization of Moiety of net Produce of Mines.

New Forest and Forest of Dean.

3. Repeal of 14 & 15 Vict. c. 76. s. 9.
4. Power to lease sporting on Crown Lands in Two Forests.

Epping Forest.

5. Transfer of Management of Forestal Rights in Epping Forest to Commissioners of Works.

Foreshore.

6. Meaning of "Foreshore."
7. Transfer of Management of Foreshore to Board of Trade.
8. Power to sell or lease Portions of Foreshore for Harbours, &c.
9. Like Power for other Purposes not injurious to Navigation, &c.
10. Power to grant Licences to occupy.
11. Execution of Deeds, &c.
12. Application to Board of Trade of Parts of 10 G. 4. c. 50.
13. Receipts from Leases and Licences to be paid to Consolidated Fund.
14. Receipts from Sales to go towards Reduction of National Debt.
15. Compensation to Crown to be determined by Arbitration.
16. Mode in which Compensation to be made good.
17. Immediate Valuation of Crown Land taken for Public Offices.
18. Exception of Portions of Foreshore described in Second Schedule, &c.

19. Exception of Portion of Foreshore, &c.
20. Exception of Portions of Foreshore where Money paid into Court, &c.
21. Exception of Portions of Foreshore fronting Crown Property.
22. Exception of Mines, &c. under Foreshore.
23. Power for Persons interested in Mines, &c. to enter on Foreshore, &c.
24. Crown not liable for Damage done by Tenants.
25. Protection of Structures on or near Foreshore.
26. Provision to be made for Safety of Tenants, &c.

Claremont.

27. Power for Her Majesty to retain Claremont House, with Park, &c. for Her Life.

General Saving.

28. Saving of Rights of private Persons, &c.

Short Title.

29. Short Title of Act.

The First Schedule.—*Acts relating to Crown Land taken for Public Offices.*

The Second Schedule.—*Portions of Foreshore excepted from Transfer to Board of Trade.*

A

BILL

TO

Amend the Law relating to the Woods, Forests, and Land Revenues of the Crown.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Permanent Improvements.

Power for Treasury to direct Cost of Improvements to be charged to Capital and repaid out of Income. 27 & 28 Vict. c. 114. s. 9.

1. Where at any Time after the *passing of this Act* any Operation, Work, Matter, or Thing, being within the Description of the Improvement of Land contained in Section Nine of the Act of the Session of the Twenty-seventh and Twenty-eighth Years of Her Majesty's Reign, Chapter One hundred and fourteen, (The Improvement of Land Act, 1864,) is effected or done in or with reference to any Part of the Possessions and Land Revenues of the Crown under the Management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues (hereafter in this Act referred to as the Commissioners of Woods), the Commissioners of Her Majesty's Treasury (hereafter in this Act referred to as the Commissioners of the Treasury) may, if they think fit, direct, with respect to any such Operation, Work, Matter, or Thing, that the Costs, Charges, and Expenses of and connected with the same shall be charged as a Principal Sum to the Account of the Capital of the Land Revenue of the Crown; but in every Case where such Direction is given the Principal Sum so charged shall be repaid out of the Income of the Land Revenue of the Crown, in such Manner and within such Time as in each Case the Commissioners of the Treasury from Time to Time direct, so nevertheless that in every Case Provision be made for the complete Repayment of Principal out of Income as aforesaid within a Period not exceeding *Thirty Years* from the Time at which the Principal Sum becomes a Charge as aforesaid.

Mines.

Capitalization of Moiety of net Produce of Mines.

2. From and after the *passing of this Act One Moiety* of the net annual Income of the Land Revenue of the Crown received by the Commissioners of Woods in respect of any Coal, Ironstone, or Mineral, Stone, Slate, Clay, Gravel, Sand, or Chalk, or of any Substance obtained by mining, quarrying, or excavating, shall be carried to the Account of the Capital of the Land Revenue of the Crown, and the Residue of the net Amount received from the Sources in this Section mentioned shall be carried to the Account of the Income of such Land Revenue.

For the Ascertainment of such net Income as aforesaid there shall be deducted from the gross Amount received such Sum as the Commissioners of the Treasury from Time to Time think fit, in respect of the Salary and Expenses of the Crown Mineral Inspector and Expenses of local Management; and for the Purposes aforesaid, the Commissioners of Woods shall keep a separate Account (in such Form as the Commissioners of the Treasury from Time to Time direct) to be called "The Mines Account;" which Account shall include all Receipts and Outgoings in respect of the Sources of Revenue in this Section mentioned; and which Account shall show the respective Amounts to be from Time to Time carried under this Section to the Capital and to the Income of the Land Revenue of the Crown.

New Forest and Forest of Dean.

Repeal of 14 & 15 Vict. c. 76. s. 9.

3. From and after the *passing of this Act* Section Nine of the Act of the Session of the Fourteenth and Fifteenth Years of Her Majesty's Reign (Chapter Seventy-six) "to extinguish the Right "of the Crown to Deer in the New Forest, and to give Compen-"sation in lieu thereof, and for other Purposes relating to the said "Forest" shall be and the same is hereby repealed; but nothing herein shall affect any Licence for any of the Purposes in that Section mentioned granted before the passing of this Act.

Power to lease sporting on Crown Lands in Two Forests.

4. From and after the *passing of this Act* the Commissioners of Woods, on behalf of Her Majesty, may from Time to Time lease the Right of hunting, hawking, fishing, and fowling on and over all or any Parts or Part of the New Forest and Forest of Dean respectively the Soil and Freehold whereof are for the Time being vested in the Crown, subject and according to the Provisions for the Time being in force relative to Leases of Lands forming Part of the Possessions and Land Revenues of the Crown under the Management of the Commissioners of Woods.

Epping Forest.

5. From and immediately after the *Thirty-first Day of December One thousand eight hundred and sixty-six*, the Commissioners of Her Majesty's Works and Public Buildings for the Time being shall perform and exercise the Duties and Powers of Management, and all other Duties and Powers, which if this Act had not been passed would have been performed and exercised by the Commissioners of Woods of and in relation to the Forestal Rights and Interests of the Crown in, to, or over that Portion of Waltham Forest usually called Epping Forest.

Transfer of Management of Forestal Rights in Epping Forest to Commissioners of Works.

Foreshore.

6. In this Act the Term "Foreshore" means the Shore and Bed of the Sea and of every Channel, Creek, Bay, Estuary, and navigable River of the United Kingdom, as far up the same as the Tide flows, inclusive of any Encroachment, Embankment, or Inclosure thereon or therefrom.

Meaning of "Foreshore."

7. From and immediately after the *Thirty-first Day of December One thousand eight hundred and sixty-six* all such Parts of and Rights and Interests in the Foreshore as then belong to Her Majesty in right of the Crown, except as in this Act provided, shall, subject to the Provisions of this Act, and subject also to such public and other Rights as by Law exist in, over, or affecting the Foreshore or any Part thereof, and to any Contract or Agreement affecting any Portion of the Foreshore, be and the same are hereby transferred from the Management of the Commissioners of Woods to and thenceforth the same shall be under the Management of the Board of Trade.

Transfer of Management of Foreshore to Board of Trade.

8. The Board of Trade from Time to Time, subject as aforesaid, may sell for such Considerations, and may lease for such Terms, at such Rents, and on such Conditions, as they think fit, any Portions of the Foreshore under their Management, to be used as the Sites of or for Purposes connected with Harbours, Docks, or Piers, or other Works of Navigation or public Utility.

Power to sell or lease Portions of Foreshore for Harbours, &c.

9. In Cases not within the last foregoing Provision the Board of Trade from Time to Time, subject as aforesaid, may sell for such Considerations, and may lease for such Terms, at such Rents, and on such

Like Power for other Purposes not

injurious to Navigation, &c.

Conditions, as they think fit, any Portions of the Foreshore, on their certifying, with respect to every such Sale or Lease, to the Effect following, namely,—that the Sale or Lease appears to them to be (for Reasons stated in the Certificate) expedient, and that in their Opinion it will not be injurious to the Interests of Navigation or inconsistent with the lawful or reasonable public Use or Enjoyment of any Portion of the Foreshore.

Power to grant Licences to occupy.

10. In any Case where the Board of Trade are authorized by this Act to sell or lease any Portion of the Foreshore, they may, in lieu of so doing, grant a Licence to occupy the same for such Time, at such Rent, or for such Consideration, and on such Conditions, as they think fit.

Execution of Deeds, &c.

11. All Deeds and Instruments made by the Board of Trade under this Act shall be executed and signed by One of the Secretaries or Assistant Secretaries of the Board of Trade; but nothing in this Act or in any such Deed or Instrument shall extend to charge personally the Officer of the Board of Trade executing or signing the same.

Application to Board of Trade of Parts of 10 G. 4. c. 50.

12. The following Provisions of the Act of the Tenth Year of the Reign of King George the Fourth (Chapter Fifty) "to consolidate and amend the Laws relating to the Management and "Improvement of His Majesty's Woods, Forests, Parks, and "Chases, of the Land Revenue of the Crown within the Survey "of the Exchequer in England, and of the Land Revenue of the "Crown in Ireland, and for extending certain Provisions relating "to the same to the Isles of Man and Alderney," shall extend and apply, mutatis mutandis, to the Board of Trade, their Deeds, Acts, Proceedings, Officers, and Servants under this Act, as if those Provisions were here repeated, with the Substitution therein of the Board of Trade for the Commissioners of Woods and of the Foreshore under the Management of the Board of Trade for the Possessions and Land Revenues of the Crown to which that Act relates, namely,—Sections Seventy-four, Seventy-seven, Eighty-one to Eighty-five, Ninety to Ninety-four, and One hundred and twenty-five (all inclusive)—save that such Consent of any Authority or Inrolment of any Instrument as is in any Case required by any of those Sections shall not be requisite under this Act.

Receipts from Leases and Licences to be paid to Consolidated Fund.

13. All Money received by the Board of Trade on or under any Lease or Licence under this Act shall be paid by them into the Receipt of Her Majesty's Exchequer, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom (hereafter in this Act referred to as the Consolidated Fund).

Receipts from Sales to go towards Reduction of National Debt.

14. All Money received by the Board of Trade on any Sale under this Act shall be applied towards the Reduction of the National Debt, in such Manner as the Commissioners of the Treasury from Time to Time direct; and a Copy of every Minute or Warrant of the Commissioners of the Treasury directing any such Application shall be laid before both Houses of Parliament.

Compensation to Crown to be determined by Arbitration.

15. The Amount of the Compensation to be paid to the Land Revenue of the Crown for the Transfer effected by this Act of the Rights and Interests of the Crown in the Foreshore shall be determined by Two Arbitrators appointed, one by the Commissioners of the Treasury, and the other by the Commissioners of Woods, or, in case of the Disagreement of the Arbitrators, by an Umpire appointed by the Lord Chancellor of Great Britain before the Arbitrators enter on the Reference.

Mode in which Compensation to be made good.

16. The Amount of the Compensation so determined shall be made good to the Capital of the Land Revenue of the Crown after the making of the Award of the Arbitrators or Umpire, in either or both, or partly in one and partly in the other, of the following Modes, as the Commissioners of the Treasury from Time to Time direct, namely,—

(1.) By the Release (within Six Months after the making of such Award) to the Land Revenue of the Crown of any Debt due therefrom to the Consolidated Fund, which Release shall be made by a Warrant of the Commissioners of the Treasury:

(2.) By the Transfer (within Six Months after the making of the said Award) to the Consolidated Fund of the Charge for any Pensions, Annuities, or other annual Payments payable out of the Land Revenue of the Crown; which shall be specified in a Warrant of the Commissioners of the Treasury, and on the issuing of such Warrant the same shall become and are hereby charged on the Consolidated Fund, and thereupon the Land Revenue of the Crown shall become and is hereby discharged therefrom (every such Warrant being inrolled in Her Majesty's Court of Exchequer at Westminster.)

The Balance (if any) of the Amount of Compensation so determined (the Amount of which Balance shall be specified in a Warrant of the Commissioners of the Treasury) shall be charged on the Consolidated Fund, and shall be payable thereout at such Periods and in such Proportions as the Commissioners of the Treasury from Time to Time by Warrant direct, but so nevertheless that the whole of such Balance (if any) shall be paid within the Space of Ten Years after the making of the said Award.

A Copy of every Warrant made in pursuance of the present Section shall be laid before both Houses of Parliament.

Immediate Valuation of Crown Land taken for Public Offices.

17. With a view to the Determination of the Amount of the Debt now due from the Land Revenue of the Crown to the Consolidated Fund, the Arbitration directed by the Acts described in the First Schedule to this Act, for determining the Value of the Property thereby transferred (forming Part of the Possessions and Land Revenues of the Crown), shall be had forthwith after the *passing of this Act.*

Exception of Portions of Foreshore described in Second Schedule, &c.

18. Nothing in this Act shall apply to the Portions of the Foreshore described in the Second Schedule to this Act, or to any other particular Portions of the Foreshore with respect to which the Commissioners of Woods are by any Act specially empowered to make any Disposition or Arrangement of or concerning the Rights of the Crown therein; and every such Act shall continue to operate, and every Disposition or Arrangement made or to be made thereunder shall have the like Validity, Effect, and Consequences, as if this Act had not been passed.

Exception of Portions of Foreshore, sold, &c.

19. Nothing in this Act shall apply to any Portion of the Foreshore sold disposed of or leased, or contracted to be sold disposed of or leased, by the Commissioners of Woods before the *First Day of January One thousand eight hundred and sixty-seven;* and nothing in this Act shall before that Day take away or abridge the Powers of those Commissioners to sell dispose of or lease any Portion of the Foreshore.

Exception of Portions of Foreshore where Money paid into Court, &c.

20. Where before the *First Day of January One thousand eight hundred and sixty-seven* any Money has been paid under any Act into the Bank of England or any other Bank on account of the Purchase of any Portion of or Interest in the Foreshore, or for any Compensation in respect thereof, then such Money and Portion of the Foreshore shall continue and may be dealt with as if this Act had not been passed.

Exception of Portions of Foreshore fronting Crown Property.

21. Nothing in this Act shall apply to any Portion of the Foreshore in front of or immediately adjacent to any Lands whereof or whereto Her Majesty, or any Person or Body in trust for Her Majesty, is on the *Thirty-first Day of December One thousand eight hundred and sixty-six* seised or entitled in Possession, Reversion, or Remainder, or which Lands on the same Day are the Property of any Department of Her Majesty's Government, or in the Possession of any such Department or of any Officers thereof; and every such Portion of the Foreshore shall continue vested, and be subject to the Exercise therein of the same Powers, Authorities, Rights, and Privileges, as if this Act had not been passed.

22. Nothing

Exception of Mines, &c. under Foreshore.

22. Nothing in this Act shall apply to any Beds, Seams, or Veins of Coal or Stone or any Metallic or other Mineral Substances in or under the Foreshore, or to any Mines or Quarries thereof; and the same shall continue and be vested, held, and enjoyed, as if this Act had not been passed.

Power for Persons interested in Mines, &c. to enter on Foreshore, &c.

23. Subject to the Provisions of this Act, all Persons for the Time being entitled, in right of or under the Crown, to or to the Management of any Beds, Seams, Veins, Mines, or Quarries as aforesaid in or under the Foreshore, or in or under any Lands immediately adjacent thereto, and their respective Tenants, may take into Possession, or use or pass through, over, or under, any Portion of the Foreshore under the Management of the Board of Trade, or in the Occupation of any of the Grantees or Tenants of the Board of Trade, in order to do all or any of the following Things, namely,—

To make or sink any Pits, Shafts, Adits, Drifts, Levels, Drains, Watercourses, Pools, or Embankments:

To make, lay, place, use, and repair any Spoil Banks, Roads, Ways, Brooks, and Banks:

To make, erect, and repair any Lodges, Shafts, Steam and other Engines, Buildings, Works, and Machinery:

To do any such other Acts as are for the Time being necessary or convenient for working, searching for, digging, raising, carrying away, dressing, or making merchantable the Coal, Stone, or other Substances aforesaid:

Giving to the Board of Trade, and to their Grantees or Tenants in Occupation of the Portions of the Foreshore affected, at least *Two Months* previous Notice in Writing of the Intention to exercise the Powers of this Section (stating the Nature, Extent, and Duration of the proposed Interference with the Foreshore) and doing as little Damage as may be in the Exercise of those Powers, and making full Compensation to all Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers, the Amount and Application of such Compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, The Lands Clauses Consolidation (Scotland) Act, 1845, or The Railways Act (Ireland), 1851, and any Act amending those Acts respectively (as the Case requires), for Determination of the Amount and Application of Compensation for Lands taken or injuriously affected.

Crown not liable for Damage done by Tenants.

24. Her Majesty, Her Heirs or Successors, shall not be liable to the Payment of Compensation for any Damage sustained by any Person as aforesaid, by reason or in consequence of the Exercise of any of the Powers aforesaid by any Lessee or other Person claiming under the Crown.

Protection of Structures on or near Foreshore.

25. Nothing in the foregoing Provisions shall authorize any Person, and it shall not be lawful for any Person, to sink, drive, or make any Pit, Shaft, Adit, Drift, Level, Drain, Watercourse, Pool, or Embankment, so as to injure, weaken, or endanger, or be likely to injure, weaken, or endanger, any Pier or other Structure on or near the Foreshore.

Provision to be made for Safety of Tenants, &c.

26. The Persons for the Time being exercising the Powers conferred by the foregoing Provisions, or any of them, shall make and maintain all Works and Conveniences necessary or proper for the Safety and Accommodation of the Grantees and Tenants of the Foreshore under the Board of Trade, and of the Public.

Claremont.

Power for Her Majesty to retain Claremont House with Park, &c. for Her Life.

27. It shall be lawful for Her Majesty to retain and have the Use and Enjoyment, during Her Life or Pleasure, of the Mansion near Esher called Claremont, and its Fixtures and Furniture, with the Park, Pleasure Grounds, and Gardens thereto belonging (containing by Estimation Three hundred and thirty-two Acres or thereabouts), and certain Plantations and Lands (containing by Estimation One hundred and thirty-two Acres or thereabouts), with a Spring of Water rising therein (from which the said Mansion is supplied with Water), and the Waste Lands Parcel of the Manors of Esher and Milbourne or Waterville Esher.

General Saving.

Saving of Rights of private Persons, &c.

28. Saving to all Persons, Bodies Politic or Corporate, and their respective Heirs, Executors, Administrators, Successors, and Assigns, (other than Her Majesty, Her Heirs and Successors, in right of the Crown,) all such Estates, Rights, Titles, Claims, and Demands whatsoever as they respectively have at the passing of this Act, or might or could have had if this Act had not been passed.

Short Title.

Short Title of Act.

29. This Act may be cited as the The Crown Lands Act, 1866.

The

The FIRST SCHEDULE.

Acts relating to Crown Land taken for Public Offices.

24 & 25 Vict. c. 88. -	An Act to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a Site for Public Offices.
25 & 26 Vict. c. 74. -	An Act to enable the Commissioners of Her Majesty's Works to acquire additional Lands for the Purposes of the Public Offices Extension Act of 1859, by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act.

The SECOND SCHEDULE.

Portions of Foreshore excepted from Transfer to Board of Trade.

Portions of Foreshore.	Acts relating to those Portions of Foreshore.
Foreshore of Thames - -	The Thames Conservancy Act, 1857.
Foreshore of Tees - -	The Tees Conservancy Act, 1857.
Foreshore of County Palatine of Durham.	21 & 22 Vict. c. 45.—An Act to amend the Provisions of an Act of the Sixth Year of King William the Fourth, for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham, and to make further Provision with respect to the Jura Regalia of the said County.

Crown Lands.

A

BILL

To amend the Law relating to the Woods, Forests, and Land Revenues of the Crown.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
10 *April* 1866.

[Bill 98.]

Under 2 *oz.*

LORDS AMENDMENTS

TO THE

CROWN LANDS BILL.

Note.—*The Page and Line refer to the Bill* (114.) *as first printed by the Lords.*

Page 3.

Line 14. Leave out ("lease the Right of hunting, hawking, fishing, and fowling") and insert ("with the Approval of the Com-" missioners of Her Majesty's Treasury, grant Licences to any " Person or Persons to hunt, hawk, fish, and fowl")

Line 18. Leave out from ("to") to the End of the Clause and insert ("Licences by the said Commissioners, or either of them, in " exercise of any Powers by Law vested in them or him to grant " Licences to hunt, hawk, fish, or fowl upon or over any Forest " belonging to Her Majesty, and under the Management of the said " Commissioners, or either of them; provided always, that, notwith-" standing anything in this Act contained, no such Licence shall be " deemed to be or construed to operate as or in the Nature of a Lease " or Demise")

As a Heading to Clause 7. insert ("Transfer to Board of Trade.")

Line 34. After ("and") insert ("of every")

Line 35. Leave out from ("flows") to ("and") in Line 36.

Line 40. Leave out from ("thereof") to ("be") in Line 41.

Page 4.

Leave out Clauses 8, 9, and 10, and insert Clause A.:

"The Board of Trade shall have and may exercise all the Powers " and Authorities, Rights and Privileges whatsoever with regard to " the Foreshore which the Commissioners of Woods now have or " are entitled to exercise with respect to the same."

Board of Trade to have same Powers as Commissioners of Woods.

Page 5.

Line 6. After ("five") insert ("and"), and in the same Line leave out ("and One hundred and twenty-five").

Line 22. After ("Money") insert ("which is"), and leave out from ("Trade") to ("shall") in Line 23, and insert ("in conse-

[Bill 239.]

" quence of the Exercise of any of the Powers or Authorities, Rights
" or Privileges, conferred on them by this Act, and which if this
" Act had not been passed would have been carried by the Commis-
" sioners of Woods as annual Income to the Consolidated Fund of
" the United Kingdom, in this Act called the Consolidated Fund ")

Line 23. Leave out (" them ") and insert (" the Board of Trade ")

Line 25. Leave out from (" Fund ") to the End of the Clause.

Line 27. After (" Money ") insert (" which is ")

Lines 27 and 28. Leave out (" on any Sale under this Act ") and insert (" in consequence of the Exercise of any of the Powers, Autho-
" rities, Rights, or Privileges last aforesaid, and which if this Act
" had not been passed would have been applied as Capital by the
" Commissioners of Woods ")

Page 7.

Lines 4 and 5. Leave out from (" Foreshore ") to the End of the
" Clause, and insert (" in relation to which any Instrument has
" been before the First Day of January One thousand eight hundred
" and sixty-seven made or executed by the Commissioners of Woods,
" or either of them, in the due Exercise of any Powers for the Time
" being by Law vested in them or him ")

Lines 13 and 14. Leave out (" on account of the Purchase of ") and insert (" in relation to ")

Line 14. Leave out from (" Portion of ") to (" then ") in Line 15, and insert (" the Foreshore ")

Page 8.

Line 5. Leave out from (" Trade ") to (" in ") in Line 6.

Line 18. Leave out from (" Trade ") to (" at ") in Line 19.

Leave out Clause 25.

Page 9.

Line 4. Leave out from the first (" the ") to (" Public ") in Line 5.

Line 7. After (" Powers or ") insert (" Authorities "), and after (" Rights ") insert (" or Privileges ")

Line 8. Leave out from (" thereof ") to (" but ") in Line 9.

Line 10. Leave out from (" Persons ") to (" such ") in Line 11.

LORDS AMENDMENTS

TO THE

CROWN LANDS BILL.

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1866.

[Bill 239.]

Under 1 *oz.*

To be substituted for the
[136] already delivered.]

Curragh of Kildare Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

CLAUSES.
1. Short Title.
2. Interpretation.

The Curragh Commissioners.

3. Curragh Commissioners constituted.
4. Qualification and Appointment of Commissioners.
5. Vacancies among Commissioners.
6. Power of Two Commissioners.
7. Clerk to Commissioners.
8. Remuneration, &c. of Commissioners and Clerk.
9. Power to employ Surveyors, &c.
10. *Expenses of Commissioners to be provided by Parliament.*
11. Mode of Publication of Notices by Commissioners.
12. Signature of Notices, &c.
13. Forms in Second Schedule.
14. Power for Commissioners to make Rules.
15. Protection of Commissioners.
16. Penalty for disturbing Commissioners.
17. Constables, &c. to aid.

Inquiries of Commissioners.

18. Commissioners to ascertain Rights of Common, &c.
19. Commissioners to ascertain public Rights of Way.

Proceedings by and before Commissioners.

20. Commissioners to publish Notice of Act; Time for Claims, &c.
21. Claims to be made within Time fixed.
22. Form of Claim.
23. Power to enlarge Time.
24. Claimant under Disability.
25. Amendment of Claim.
26. Hearing of Claim.
27. Decision on Claims.
28. Power to send for Persons and Papers.
29. Person summoned bound to attend.
30. Penalty for Non-attendance or refusing to give Evidence.
31. Power for Commissioners to examine on Oath, &c.
32. Penalty for false Evidence.

Appeal.

33. Appeal on Points of Law to Court of Queen's Bench.
34. Special Case to be signed, &c.
35. Recognizance by Appellant.
36. Transmission of Special Case.
37. Hearing and Determination of Appeal.
38. Amendment of Case.
39. Forfeiture of Appellant's Recognizance.

Award.

40. Time for Award.
41. Contents of Award.
42. Form, Deposit &c. of Award.
43. Effect of Deposit.
44. Award to be final.
45. Rights not allowed by Award barred.

Purchase of Rights over Eastern Division.

46. Power for Secretary of State to purchase Rights awarded over Eastern Division.
47. Amount of Purchase Money fixed by Award.
48. Cases of Disability on Purchase.
49. Payment of Purchase Money where not exceeding Twenty Pounds.
50. Payment of Purchase Money under Trustee Relief Acts in certain Cases; 11 & 12 Vict. c. 68.
51. Extinguishment of Rights purchased.

Valuation of Fee Simple.

52. Commissioners to value Fee Simple of Curragh.

Transfer to Secretary of State for War.

53. *Payment to Crown of Value of Fee Simple minus Expenses of Purchases of Rights, &c.*
54. On such Payment Transfer of Curragh.
55. Tenure of Eastern and Western Divisions respectively.

User of Western Division.

56. Use of Western Division for Reviews, &c.
57. Use of Western Division for Racing Purposes.
58. Erection of Lodges, &c. on Western Division.
59. Regulation of Rights of Pasture over Western Division.
60. Field Reeves constituted.
61. Appointment of Two of the Field Reeves.
62. Election of Third Field Reeve.
63. First Meeting of Commoners.
64. Annual Meeting of Commoners.
65. Duration of Office of Elective Field Reeve.
66. Salary to Elective Field Reeve.
67. Removal of Elective Field Reeve.
68. Filling of Vacancy in Office of Elective Field Reeve.
69. Evidence of Election.
70. Power of Field Reeves.
71. Power for Diminution of Stock on Pasture.
72. Charge on Commoner in lieu of Diminution of Stock.
73. Recovery of Charge.
74. Payment of Expenses of Field Reeves.
75. Payment by Occupier.
76. Power to exclude for Nonpayment of Contribution.
77. Award to direct proportionate Contribution of Commoners.
78. Forfeiture for Excess in Number of Animals on Pasture.
79. Regulations as to Pasture not to affect Ownership of Soil.
80. Power to let Herbage not required by Commoners.

Byelaws for Regulation of Curragh.

81. Power to make Byelaws.
82. Penalties in Byelaws.
83. Recovery of Penalties.

84. Previous Publication of proposed Byelaws.
85. Sale of Copies of Byelaws.
86. Proof of Byelaws.

Lease to Secretary of State for War.

87. Power for Secretary of State to require Lease of Curragh instead of Transfer.
88. Operation of Act in case of Lease.
89. Effect of Lease.
90. User of Western Division, and Byelaws in case of Lease.
91. Rent to be estimated with regard to Expenses of Act.

Rangership.

92. Vacancy in Rangership not to be filled up.
93. Discontinuance of Rangership on Award, and Annuity to then Holder of Office.

Custody of Map, Award &c.

94. Clerk of Peace to retain Map, Award, &c.; 7 W. 4. & 1 Vict. c. 83.

Exceptions and Savings.

95. Exemption of Closes and Roads in First Schedule.
96. Nothing in Act to confer Right, &c.
97. Saving for Rights of Crown and Individuals.

SCHEDULES.

[To be substituted for the
Bill [136] already delivered.]

A

BILL

TO

Make better Provision for the Management and Use of the Curragh of Kildare.

Preamble.

WHEREAS there is in the County of Kildare a Tract of Land known as the Curragh of Kildare (in this Act called the Curragh):

And whereas the Queen's most Excellent Majesty in right of Her Crown is, or claims to be, seised to Herself, Her Heirs and Successors, of and in the Curragh, and of and in the Soil thereof:

And whereas divers Persons are, or claim to be, entitled to Rights of Common of Pasture, private Rights of Way, and other Rights in, over, or affecting the Curragh or Part thereof, and divers public Rights of Way are alleged to exist in or over the Curragh or Part thereof:

And whereas under an Agreement between the Secretary of State for War and the Commissioner of Her Majesty's Woods, Forests, and Land Revenues in charge of the Land Revenues in Ireland, Part of the Curragh is occupied by an Encampment of some of Her Majesty's Forces; and it is expedient that the Property in the Curragh be vested in the Secretary of State for War, or that a Lease thereof be made to him, for the Purposes and subject to the Provisions in this Act expressed and contained:

And whereas Her Majesty has been graciously pleased to signify Her Assent to Provision being made for a Transfer or Lease of the Curragh accordingly:

And whereas for the Purposes of this Act a Map has been deposited with the Clerk of the Peace for the County of Kildare, on which the Curragh is delineated, being thereon divided into Two Parts, one whereof is coloured Brown, and comprises the Part occupied by the Encampment, and is in this Act called the Eastern Division, and the other whereof is coloured Green, and is in this Act called the Western Division:

And whereas, with a view to the better Management of the Curragh and the more beneficial User thereof, it is expedient that Provision be made, as in this Act expressed, for the Ascertainment of all Rights (if any) existing in, over, or affecting the Curragh or any Part thereof (other than the Rights of the Crown), and for the Purchase and Extinguishment of private Rights (if any) in, over, or affecting the Eastern Division, and the Regulation of private Rights (if any) in, over, or affecting the Western Division:

And whereas there are on the Curragh divers Closes or Parcels of Land, and Buildings, held under Grant or Lease or otherwise from the Crown, and divers Roads being public Highways (all which are described in the First Schedule to this Act); and it is expedient that the same be exempted from the Operation of this Act:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Curragh of Kildare Act, 1866.

Interpretation.

2. In this Act—

The Term "the Secretary of State for War" means such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to intrust with the Seals of the War Department:

The Term "the Commissioner of Woods" means the Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being having the Management and Direction of the Land Revenues of the Crown in the County of Kildare:

The Term "Person" includes a Corporation Aggregate or Sole:

The Term "Justice" means a Justice of the Peace acting for the County of Kildare, not being interested in the Matter requiring the Cognizance of a Justice:

The Term "Two Justices" means Two Justices assembled and acting together, and includes any Resident Magistrate, or any Magistrate or Justice having by Law Authority to act for any Purpose with the Powers of Two Justices.

The Curragh Commissioners.

Curragh Commissioners constituted.

3. There shall be *Three* Commissioners for executing this Act, who shall be called The Curragh Commissioners (and to whom the Term "the Commissioners," where used in this Act, refers).

Qualification and Appointment of Commissioners.

4. One of the Commissioners shall be a practising Barrister at Law of at least *Ten* Years Standing who at the Time of his Appointment has actually practised *Ten* Years in Her Majesty's Superior Courts of Law at Dublin and has not retired from such Practice.

That Commissioner and One other of the Commissioners shall be appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being. The remaining Commissioner shall be appointed by the Commissioners of Her Majesty's Treasury.

Vacancies among Commissioners.

5. Any Vacancy happening by Death, Resignation, or otherwise in the Office of any of the Commissioners (appointed either originally or on a Vacancy) shall be filled up by the Appointment of another qualified Person to be One of the Commissioners by the Authority by whom the vacating Commissioner was appointed.

Power of Two Commissioners.

6. Acts and Decisions of *Two* of the Commissioners shall be deemed to be Acts and Decisions of the Commissioners.

Clerk to Commissioners.

7. The Commissioners shall from Time to Time appoint by Writing a Clerk, who shall hold his Office during their Pleasure.

Remuneration, &c. of Commissioners and Clerk.

8. Each of the Commissioners and their Clerk shall receive, as Remuneration for his Services, such Sum (not exceeding as to a Commissioner *Eight hundred Pounds*) as the Commissioners of Her Majesty's Treasury think reasonable, and shall be allowed all Expenses properly incurred by him in executing this Act.

Power to employ Surveyors, &c.

9. The Commissioners may from Time to Time employ Land Surveyors and Valuers in such Manner as they think fit.

Expenses of Commissioners to be

10. *The Remuneration of the Commissioners and of their Clerk, and all Expenses allowed to them, and the Expenses of the Em-*

provided by Parliament.

ployment of Land Surveyors and Valuers, shall be paid and defrayed by the Secretary of State for War out of Money to be provided by Parliament for that Purpose.

Mode of Publication of Notices by Commissioners.

11. Notices by this Act required to be published by the Commissioners shall be published by Insertion in the Dublin Gazette, and in a Newspaper printed or usually circulating in the County of Kildare, and by Bills posted in conspicuous Places on or near the Curragh.

Signature of Notice, &c.

12. Notices, Summonses, and other Instruments issued by the Commissioners for Service or Delivery shall be under the Hand of their Clerk.

Forms in Second Schedule.

13. The Forms given in the Second Schedule to this Act, or Forms to the like Effect, shall be used for the respective Purposes therein indicated, subject and according to the Directions therein contained, and with such Variations as Circumstances require, and every Instrument made according to any such Form may be in Writing or Print, or partly in Writing and partly in Print.

Power for Commissioners to make Rules.

14. The Commissioners may, from Time to Time, if they think fit, make and publish such Rules as seem fit (not being inconsistent with the Provisions of this Act) for regulating Proceedings by and before the Commissioners.

Protection of Commissioners.

15. The Commissioners shall have the like Protection and Privileges in respect of any Act done or omitted to be done, in Execution or intended Execution of their Duties under this Act, as Justices of the Peace acting in Execution of their Office have by Law.

Penalty for disturbing Commissioners.

16. If any Person wilfully disturbs or obstructs the Commissioners in the Execution of their Duties, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Five* Pounds.

Constables, &c. to aid.

17. All Constables, Bailiffs, and other Officers shall give their Aid to the Commissioners in the Execution of their Duties.

Inquiries of Commissioners.

Commissioners to ascertain Rights of Common, &c.

18. The Commissioners shall ascertain and decide the following Things, namely,—

What (if any) Rights of Common of Pasture, Rights of Way, or other Rights (except the Rights of Her Majesty and public

Rights of Way) exist in, over, or affecting the Curragh or any Part thereof, distinguishing those (if any) which exist in, over, or affecting the Eastern Division exclusively or any Part thereof, and those (if any) which exist in, over, or affecting the Western Division exclusively or any Part thereof, and those (if any) which exist in, over, or affecting both Divisions or Parts thereof respectively:

To what Persons, and for what Terms, Estates, or Interests, the Rights aforesaid respectively belong:

What (if any) are the Lands in respect of which the Rights aforesaid respectively are exerciseable:

What (if any) are the Rents or other Payments or Acknowledgments payable or due to the Crown in respect of the respective Rights aforesaid:

What is the fair and reasonable marketable Value of the Rights aforesaid respectively:

What would be the Amount (if any) of the Diminution in Value of such of the Rights aforesaid as exist in, over, or affecting both Divisions or Parts thereof respectively, if the Exercise of those Rights was restricted to the Western Division and subjected to the Provisions of this Act affecting that Division.

Commissioners to ascertain public Rights of Way.

19. The Commissioners shall also ascertain and decide what (if any) public Right of Way exists in over or affecting the Curragh or any Part thereof.

Proceedings by and before Commissioners.

Commissioners to publish Notice of Act, Time for Claims, &c.

20. The Commissioners shall, within *One Month* after their Appointment, publish a Notice, appointing a Time and Place within and at which all Persons desiring to claim under this Act, on their own respective Behalf, any Right of Common of Pasture, Right of Way, or other Right in, over, or affecting the Curragh or any Part thereof, and all Persons desiring to claim under this Act, on behalf of the Public, any Right of Way in, over, or affecting the Curragh or any Part thereof, are to lodge their respective Claims, the Time not being less than *One Month* or more than *Three Months* after the Insertion of the Notice in the Dublin Gazette, and the Place being some convenient Place on or near the Curragh.

Claims to be made within Time fixed.

21. All Persons desiring to claim as aforesaid shall lodge their Claims within and at the Time and Place aforesaid.

Form of Claim.

22. Every Claim shall be signed by the Claimant or his Attorney or Agent authorized in that Behalf.

Power to enlarge Time.

23. A Claim shall not be received after the Expiration of the Time aforesaid, save that the Commissioners, on good Cause shown, may give Leave to any Person to lodge a Claim within such Time after the Expiration of the Time aforesaid as they think fit, but not in any Case after the Expiration of *Six Months* from the Insertion of the Notice aforesaid in the Dublin Gazette.

Claimant under Disability.

24. Where any Person entitled to make a Claim is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, his or her Guardian, Trustee, Committee of the Estate, Husband, or Attorney (as the Case requires) may in his or her Stead sign, lodge, and prosecute the Claim.

Amendment of Claim.

25. The Commissioners may, if they think fit, from Time to Time authorize or require the Amendment of a Claim.

Hearing of Claims.

26. As soon as conveniently may be after the Expiration of the Time appointed as aforesaid for the Lodging of Claims, but not less than *One Month* thereafter, the Commissioners shall hold Sittings, and shall thereat consider the Claims lodged, and hear the Claimants appearing by themselves, their Counsel, Attorneys, or Agents, and take Evidence, and hear any Objector to any Claim appearing by himself, his Counsel, Attorney, or Agent, and being in the Opinion of the Commissioners entitled to be heard (with Power nevertheless to the Commissioners to refuse to hear any Objector unless his Objection is put in Writing, or unless he complies with such other Conditions as the Commissioners think reasonable).

Decision on Claims.

27. The Commissioners shall decide on each Claim, allowing or disallowing the same, and make and sign a Memorandum stating their Decision thereon, a certified Copy whereof shall, if required, be delivered to the Claimant.

Power to send for Persons and Papers.

28. The Commissioners, on the Application of any Claimant, or of any Objector admitted to be heard, shall by Summons require the Attendance before the Commissioners of any Claimant, or of any Person to be examined as a Witness before them, and shall, on the like Application by Summons, require any Claimant or other Person to bring before the Commissioners all Books, Papers, and Writings in his Possession, Custody, or Control relating to any Matter to be inquired into by them.

Person summoned bound to attend.

29. Every Claimant or other Person so summoned shall attend the Commissioners, and answer all Questions touching the Matter to be inquired into, and bring and produce all Papers, Books, and

Writings required, according to the Tenour of the Summons; provided that any Person so summoned, other than a Claimant in his own Case, shall not be bound to obey the Summons unless a reasonable Sum is first paid or tendered to him for his Expenses.

Penalty for Non-attendance or refusing to give Evidence.

30. If any Claimant or other Person on whom a Summons of the Commissioners is served, either personally or by Delivery at his last known or usual Place of Abode or Business, fails to appear before the Commissioners at the Time and Place therein specified, without reasonable Excuse, or if any Claimant or other Person appearing before the Commissioners refuses to be sworn or to make Affirmation (as the Case may be), or to make Answer to any Question put to him touching any Matter being inquired into by the Commissioners, or if any Claimant or other Person fails to produce and show to the Commissioners any Book, Paper, or Writing in his Possession, Custody, or Control which the Commissioners require to be produced, every such Claimant or other Person shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty* Pounds, without Prejudice to any other Remedy against him.

Power for Commissioners to examine on Oath, &c.

31. The Commissioners, or any One of them, may administer an Oath or an Affirmation (where an Affirmation in lieu of an Oath would be admitted in a Court of Justice) to any Claimant or other Person examined before them, and may take the Affidavit or Declaration of any Claimant or other Person.

Penalty for false Evidence.

32. If any Claimant or other Person on Examination on Oath or Affirmation before the Commissioners, or in any Affidavit or Declaration used before the Commissioners, wilfully gives false Evidence he shall be deemed guilty of Perjury.

Appeal.

Appeal on Points of Law to Court of Queen's Bench.

33. If any Claimant or any Objector admitted to be heard (including the Commissioner of Woods on behalf of the Crown) thinks himself aggrieved by any Decision of the Commissioners as being erroneous in Point of Law he may appeal against the Decision, as follows:

(1.) The Appeal shall be to Her Majesty's Court of Queen's Bench in Dublin:

(2.) The Appeal shall be by Special Case, stating the Facts and the Grounds of the Decision:

(3.) The Special Case shall be settled by the Commissioners on the Application of the Appellant made in Writing within *Fourteen Days* after the Delivery of the Decision, and not afterwards; and if the Appellant is dissatisfied with the Special Case as settled by the Commissioners, he shall be entitled to have it settled by a Judge of the Court of Queen's Bench in Dublin, on Summons, in Chambers.

Special Case to be signed, &c.

34. A Special Case (except when settled by a Judge in Chambers) shall be signed by the Commissioners, and shall be delivered by them to the Appellant.

Recognizance by Appellant.

35. Before the Delivery of a Special Case to an Appellant (other that the Commissioner of Woods) he shall enter into a Recognizance before the Commissioners (with or without Sureties, and in such Sum as to the Commissioners seems fit), conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Appellate Court, and to pay any Costs awarded by that Court.

Transmission of Special Case.

36. On Receipt of a Special Case the Appellant shall, within *Fourteen Days*, transmit the original Case, by Post or otherwise, to the proper Officer of the Appellate Court.

Hearing and Determination of Appeal.

37. The Appellate Court shall hear and determine the Question or Questions of Law arising on a Special Case, and may thereupon reverse, affirm, or amend the Decision in respect of which the Special Case is stated, or remit the Matter to the Commissioners, with the Opinion of the Appellate Court thereon, or may make such other Order in relation to the Matter, and may make such Order as to Costs, as to the Court seem fit; and all such Orders shall be final and conclusive on all Parties, and shall be adopted and acted on by the Commissioners.

Amendment of Case.

38. The Appellate Court may, if they think fit, before delivering Judgment, cause a Special Case to be amended.

Forfeiture of Appellant's Recognizance.

39. If the Condition of the Recognizance entered into by an Appellant is not complied with, a Justice shall certify on the Back thereof the Fact and Nature of the Non-compliance, and shall transmit the Recognizance to the Clerk of the Peace for the County of Kildare, and the same shall be proceeded on in like Manner as a Recognizance forfeited at Quarter Sessions may for the Time being by Law be proceeded on; and the Certificate of the Justice shall be Evidence of the Recognizance having been forfeited.

Award

Award.

Time for Award.

40. The Commissioners shall make their Award (hereafter in this Act referred to as the Award) not later than the *Thirty-first Day of December One thousand eight hundred and sixty-seven,* unless prevented from so doing by the Pendency of any Appeal, and in that Case as soon after that Day as the Determination of the Appeal permits.

Contents of Award.

41. The Award shall state the Substance of every Claim lodged, and the Commissioners Decision allowing or disallowing the same.

Form, Deposit, &c. of Award.

42. The Award shall be in Duplicate, and one Part of it shall be deposited at the Rolls Office, Dublin, and the other Part with the Clerk of the Peace for the County of Kildare.

Effect of Deposit.

43. When the Award has been so deposited it shall be of itself conclusive Evidence of everything stated or implied in it, and of it having been duly made, and of the Provisions of this Act in relation to it having been in all respects complied with.

Award to be final.

44. The Award shall be final and conclusive on all Parties to all Intents.

Rights not allowed by Award barred.

45. After the Award it shall not be lawful for any Person to exercise, take, or claim in any Manner any Right of Common of Pasture, Right of Way, or other Right, in, over, or affecting the Curragh or any Part thereof, or the Benefit of any public Right of Way in or over the Curragh or any Part thereof, not allowed by the Award.

Purchase of Rights over Eastern Division.

Power for Secretary of State to purchase Rights awarded over Eastern Division.

46. At any Time within *Six Months* after the Deposit of the Award the Secretary of State for War may, if he thinks fit, give Notice in Writing to any Person entitled to a Right of Common of Pasture, Right of Way, or other Right, in, over, or affecting the Eastern Division or any Part thereof, or in or over both Divisions or any Parts thereof respectively, allowed by the Award, of his Intention to purchase the same (but in the latter Case only as far as the Right affects the Eastern Division), and thereupon the Secretary of State for War shall be entitled to purchase the Right as specified in the Notice at any Time within *Six Months* after giving the Notice.

Amount of Purchase Money fixed by Award.

47. In every such Case the Amount of the Purchase Money shall be, with respect to a Right allowed in, over, or affecting the Eastern

Division exclusively, or any Part thereof, the Amount awarded by the Commissioners to be the fair and reasonable marketable Value thereof; and with respect to a Right in, over, or affecting both Divisions or any Parts thereof respectively, the Amount awarded by the Commissioners to be the Amount of the Diminution in Value of such Right, if the Exercise thereof was restricted to the Western Division and subjected to the Provisions of this Act affecting that Division.

Cases of Disability on Purchase.

48. If the Person from whom any such Purchase is to be made is at the Date of the Notice for Purchase under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, or is beyond the Seas, the Notice shall be given to and the Purchase shall be made from his or her Guardian, Trustee, Committee of the Estate, Husband, or Attorney (as the Case requires).

Payment of Purchase Money where not exceeding 20*l.*

49. Where on any such Purchase the Purchase Money does not exceed the Sum of *Twenty Pounds*, the same shall be paid to the Person entitled in possession to the Right purchased for his or her own Use, or if that Person is under Disability as aforesaid, or is beyond the Seas, the same shall be paid, for his or her Use, to his or her Guardian, Trustee, Committee of the Estate, Husband, or Attorney (as the Case requires), whose Receipt shall be a valid Discharge for the same.

Payment of Purchase Money under Trustee Relief Acts in certain Cases.

11 & 12 Vict. c. 68.

50. Where on any such Purchase the Purchase Money exceeds the Sum of *Twenty Pounds*, then, if the Person entitled in possession to the Right purchased is under Disability as aforesaid, or if for any Reason a valid Discharge for the Purchase Money cannot be obtained, the same shall be paid, with the Privity of the Accountant General of the Court of Chancery in Ireland, into the Bank of Ireland, under and according to the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty's Reign (Chapter Sixty-eight), "for extending to Ireland an Act "passed in the last Session of Parliament, intituled 'An Act for "'the better securing Trust Funds, and for the Relief of Trus"'tees,'" and any Act amending the same; and any Affidavit required to be made for that Purpose shall be made by such Person as the Secretary of State for War directs; and the Provisions of every such Act shall apply to the Purchase Money so paid in.

Extinguishment of Rights purchased.

51. On Payment of the Purchase Money by the Secretary of State for War in manner aforesaid, the Right comprised in the Purchase shall be and the same is hereby extinguished.

Valuation

Valuation of Fee Simple.

Commissioners to value Fee Simple of Curragh.

52. The Commissioners shall ascertain and decide the Value of the Freehold and Inheritance in Fee Simple of the Curragh, free from all Rights of Common of Pasture and other Rights (except public Rights of Way) in, over, or affecting the same or any Part thereof, and shall report their Decision thereon to the Commissioners of Her Majesty's Treasury.

Transfer to Secretary of State for War.

Payment to Crown of Value of Fee Simple, minus Expenses of Purchases of Rights, &c.

53. *Subject to the Provisions of this Act respecting a Lease of the Curragh, the Secretary of State for War shall (out of Money to be provided by Parliament for this Purpose), within Twelve Months after the Award, pay to the Commissioner of Woods the Amount decided by the Commissioners to be the Value of the Freehold and Inheritance of the Curragh, after Deduction of the following Sums:*

The Amount expended by the Secretary of State under this Act in or about the Purchase of Rights in or over the Eastern Division:

The Amount of all other Money expended by the Secretary of State in or about the Execution of this Act:

The Value awarded by the Commissioners of the Rights allowed by the Award (other than public Rights of Way), and not purchased by the Secretary of State for War under this Act:

The Capital Value, estimated under the Direction of the Commissioners of Her Majesty's Treasury, of any Annuity allowed to the Ranger of the Curragh under this Act.

On such Payment Transfer of Curragh.

54. On the Payment aforesaid being made, the Curragh shall be and the same is hereby transferred to and absolutely vested in the Secretary of State for War, to hold the same to him and his Successors in Office, in trust for Her Majesty, Her Heirs and Successors, for the Public Service, subject to the Provisions of this Act.

Tenure of Eastern and Western Divisions respectively.

55. The Eastern Division, and, subject to the Provisions of this Act, the Western Division, shall be held by the Secretary of State for War subject to all Rights of Common of Pasture, Rights of Way, and other Rights in, over, or affecting the same or any Part thereof, respectively, awarded by the Commissioners and not purchased by the Secretary of State for War, and to all public Rights of Way awarded by the Commissioners in, over, or affecting the same or any Part thereof respectively.

User of Western Division.

Use of Western Division for Reviews, &c.

56. The Western Division may be used by Her Majesty's Forces for the Purposes of Reviews and Drilling and other Military Purposes as the Secretary of State for War from Time to Time thinks fit.

Use of Western Division for Racing Purposes.

57. The Western Division may be used for the Purposes of Horse Races and of the training of Race Horses and Purposes connected therewith in such Manner and to such Extent as the Secretary of State for War from Time to Time thinks fit to authorize.

Erection of Lodges, &c. on Western Division.

58. The Secretary of State for War may from Time to Time permit any Lodge or other Building or Erection erected before the passing of this Act for the Purposes of Horse Races or of the training of Race Horses, or Purposes connected therewith, on any Part of the Western Division, to be maintained, and, if need be, improved or enlarged, and may from Time to Time permit to be erected on any Part of the Western Division such Lodges, Buildings, or other Erections, for the Purposes of Horse Races, or of the training of Race Horses, or Purposes connected therewith, and on such Terms and Conditions as the Secretary of State thinks fit; but, subject thereto, the Secretary of State for War shall always keep the Western Division open and unbuilt on.

Regulation of Rights of Pasture over Western Division.

59. Subject to the foregoing Provisions, the Western Division may be stocked and depastured in common by the Persons to whom Rights of Common of Pasture in, over, or affecting the same, or any Part thereof, are allowed by the Award according to their respective Rights so awarded.

Field Reeves constituted.

60. For the better Regulation of the Rights of the several Persons to whom Rights of Common of Pasture in, over, or affecting the Western Division, or any Part thereof, are allowed by the Award (which Persons are hereafter in this Act called the Commoners), there shall be for the Western Division *Three* Officers called Field Reeves.

Appointment of Two of the Field Reeves.

61. *Two* of the Field Reeves shall be from Time to Time appointed by the Secretary of State, by Writing under his Hand, and shall be removeable by him.

Election of Third Field Reeve.

62. *One* of the Field Reeves shall be elected by the Commoners, and shall be called the Elective Field Reeve.

First Meeting of Commissioners.

63. At such Time after the making of the Award as the Commissioners therein appoint, a Meeting shall be held of the

Commoners, and the Majority in Value of them present, personally or by their respective Agents, shall at that Meeting elect a Field Reeve.

Annual Meeting of Commoners.

64. The Commoners shall ever afterwards meet yearly for the Election of a Field Reeve on the *First Monday in February.*

Duration of Office of Elective Field Reeve.

65. An Elective Field Reeve shall continue in Office until the Expiration of *Fifteen* Days after the Day of the Annual Meeting of the Commoners next following his Election, and no longer, unless he is re-elected at that Annual Meeting.

Salary to Elective Field Reeve.

66. The Commoners in Annual Meeting may from Time to Time appoint a Salary or Payment to be paid by them to the Elective Field Reeve, and may appoint, or authorize him to appoint, and employ Herds and Assistants, to be paid by the Commoners as the Commoners think fit.

Removal of Elective Field Reeve.

67. An Elective Field Reeve may be removed by a Majority of *Four Fifths* in Value of the Commoners present, personally or by their respective Agents, at a Meeting called for the Purpose by *Fourteen* Days Notice in Writing under the Hands of any *Two* Commoners, published as the Commissioners in their Award direct.

Filling of Vacancy in Office of Elective Field Reeve.

68. Where an Elective Field Reeve is removed as aforesaid, or dies while in Office, or resigns his Office, the Majority in Value of the Commoners present, personally or by their respective Agents, at a Meeting called in like Manner on such Vacancy, may elect a Field Reeve in his Place, who shall hold the Office until the Expiration of *Fifteen Days* after the then next Annual Meeting.

Evidence of Election.

69. A Certificate in Writing under the Hands of Two Justices of the Election of any Field Reeve shall, for all Purposes, be Evidence that he was duly elected a Field Reeve, and any Two Justices shall give such a Certificate on being satisfied of the Truth of the Matter required to be certified.

Power of Field Reeves.

70. The Field Reeves for the Time being shall from Time to Time regulate the Times of the Year during which Animals shall be admitted to and excluded from the Pasture on the Western Division, and shall do all Things necessary for the good Order thereof, and may distrain any Animal found thereon contrary to the Regulations of the Pasture.

Power for Diminution of Stock on Pasture.

71. If it appears to the Majority in Value of the Commoners present personally or by their respective Agents at any annual Meeting that the Condition of the Pasture requires a Diminution of the respective Rights of Pasture, such Majority may direct that the respective Number of Animals to be admitted to the Pasture in respect of the several Rights be diminished rateably to such Extent as they think fit; and thereupon the Field Reeves may, if they think fit, diminish the same accordingly.

Charge on Commoner in lieu of Diminution of Stock.

72. Provided, that if in any such Case the Right of any Commoner is not sufficient to admit of a rateable Diminution, such annual Money Payment shall be charged on him in lieu of a Diminution of his Right as the Majority of the Commoners directing the Diminution think reasonable, or, if the Commoner so charged thinks the Sum charged excessive, then as any *Two* Justices on his Complaint, and after Summons of the Field Reeves or any *Two* of them, and on Hearing in a summary Way the Matter in Difference, think reasonable and order to be paid.

Recovery of Charge.

73. The Sum in any such Case charged on a Commoner shall be payable on the *First Monday in February* in every Year, and shall be recoverable as Contributions by the Commoners under this Act are recoverable.

Payment of Expenses of Field Reeve.

74. All Salaries and Allowances to the Elective Field Reeve and Herds, Assistants, and other Persons, and all Expenses incurred by the Elective Field Reeve in the Execution of his Duties, as allowed at an Annual Meeting, shall be paid and defrayed by the Commoners.

The Amount to be so paid and defrayed shall be contributed by the Commoners according to the Rule of Contribution established by the Award, and the Amount of the Contribution of each Commoner shall be paid to the Elective Field Reeve on Demand, and in default of Payment for *Fourteen Days* after Demand shall be recoverable by Distress.

Payment by Occupier.

75. Any such Demand or Distress may be made on the Occupier of any Right of Pasture as if that Occupier were the Commoner liable to Payment of the Contribution, and the same may be paid by any such Occupier on Demand, and any Money so paid by an Occupier shall be deemed a Payment on account of his Rent, and shall be allowed by his Landlord accordingly.

76. The Field Reeves may exclude from the Pasture the Animals of any Commoner whose Contribution is unpaid for *Fourteen Days* after Demand until the same is fully paid.

Power to exclude for Non-payment of Contribution.

77. The Commissioners shall in the Award direct in what proportionate Shares the several Commoners shall be liable to pay any Money to be raised by Contribution under this Act, which Direction shall also furnish the Rule according to which the proportionate Value of the Rights of Pasture shall be determined for the Purposes of the Votes of the Commoners.

Award to direct proportionate Contributions of Commoners.

78. Any Person having any Animal on the Western Division contrary to the Regulations applicable thereto shall be liable to the Forfeiture in respect of every such Animal of a Sum not exceeding *Five Pounds*, which Sum shall be recoverable by means of a summary Order of a Justice, and shall be paid to the Field Reeves; and one Moiety thereof shall be applied as the Secretary of State for War directs, and the other Moiety thereof shall be applied in aid of the Contributions by this Act authorized to be levied on the Commoners; but nothing herein shall take away or abridge any Remedy capable of being put in force by any Field Reeve independently of the present Enactment.

Forfeiture for Excess in Number of Animals on Pasture.

79. Nothing in this Act respecting Rights of Pasture on the Western Division shall affect the Estate of Her Majesty or of the Secretary of State for War (as the Case may be) as Owner of the Soil thereof, or take away or abridge any Right, Power, or Authority vested in the Crown, or the Commissioner of Woods, or in the Secretary of State for War (as the Case may be) by virtue of that Estate.

Regulations as to Pasture not to affect Ownership of Soil.

80. The Secretary of State for War may from Time to Time let from Year to Year, or for any less Period, all or any Part of the Herbage produced in the Western Division, and not required for the Purposes of the Commoners, at such Rent or Rents and on such Terms and Conditions as he thinks fit.

Power to let Herbage not required by Commoners.

Byelaws for Regulation of Curragh.

81. The Secretary of State for War may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the following Purposes, namely:

Power to make Byelaws.

For preventing unauthorized Persons from turning out or knowingly permitting Sheep, Pigs, or other Animals to graze, or feed, or remain on the Curragh;

For preventing unauthorized Persons from taking from the Curragh any Gravel, Sand, Stone, Earth, Turf, Sods, or other

Substance, or digging for the same on or in, or otherwise disturbing the Surface or Soil of the Curragh;

For prohibiting Persons from placing Heaps of Manure or Rubbish on any Part of the Curragh;

For prohibiting or restricting unauthorized Persons from passing over the Curragh or any specified Part thereof with or without Vehicles or Animals;

For prohibiting Persons from removing from the Curragh the Dung of Sheep or other Animals;

For prohibiting Persons from injuring, defacing, or removing Notices put up on the Curragh, or the Posts, Railings, Chains, or Fences placed thereon;

For regulating the Use of the Western Division for the Purposes of Horse Racing and the training of Race Horses, and Purposes connected therewith; and

Generally for preventing Encroachments or Trespasses on or Injuries or Nuisances to the Curragh, or any unauthorized User thereof, or any Interference with or Obstruction to the authorized User thereof.

Penalties in Byelaws.

82. Any such Byelaws may impose reasonable Penalties for Offences against the same, not exceeding *Five Pounds* for each Offence, with or without further Penalties for continuing Offences, not exceeding for any continuing Offence Forty Shillings for every Day during which the Offence continues; but all Byelaws shall be so framed as to allow in every Case Part only of the maximum Penalty being ordered to be paid.

Recovery of Penalties.

83. Penalties under any such Byelaws shall be recovered by summary Proceedings before a Justice or Justices.

Previous Publication of proposed Byelaws.

84. Where the Secretary of State for War proposes to make any such Byelaws he shall publish the same, by the Insertion thereof as an Advertisement in a Newspaper printed or usually circulating in the County of Kildare, and he shall, during *One Month* at least after the Publication thereof, afford to all Persons the Opportunity of making, in Writing or otherwise, as in the Advertisement stated, Objections to or Representations respecting the proposed Byelaws; and he shall take all such Objections and Representations into consideration, and, if he thinks fit, may abstain from making or may alter or add to the proposed Byelaws.

Sale of Copies of Byelaws.

85. All Byelaws under this Act shall be printed, and the Secretary of State for War shall cause a printed Copy thereof to be delivered to every Person applying for the same at the Place mentioned in that Behalf in the Byelaws, on Payment of such reasonable Price as the Secretary of State for War from Time to Time directs, not exceeding *Sixpence* for each Copy.

Proof of Byelaws.

86. A printed Copy of Byelaws under this Act, purporting to be signed by the Secretary of State for War, being such at the Date of the Byelaws, shall be conclusive Evidence of the Existence and due making of those Byelaws, without Proof of the Signature of the Secretary of State.

Lease to Secretary of State for War.

Power for Secretary of State to require Lease of Curragh instead of Transfer.

87. Notwithstanding anything in this Act respecting the Transfer of the Curragh to the Secretary of State for War, within *Six Months* after the passing of this Act, the Secretary of State for War may, if he thinks fit, by Notice in Writing under his Hand, require the Commissioner of Woods to grant to him a Lease of the Curragh, and in that event the Commissioner of Woods shall grant a Lease of the Curragh to the Secretary of State for War for any Term not less than *Twenty-one Years*, at such Rent or Rents and on such Terms and Conditions as the Commissioners of Her Majesty's Treasury approve.

Operation of Act in case of Lease.

88. In case any such Lease is granted, the Provisions of this Act for transferring the Curragh to the Secretary of State for War shall not come into operation, and this Act shall have effect as far as may be as if those Provisions had not been inserted in this Act.

Effect of Lease.

89. Any Lease so granted shall have effect subject to the Provisions of this Act.

User of Western Division and Byelaws in case of Lease.

90. In case of a Lease, the Provisions of this Act relating to the User of the Western Division and to Byelaws shall operate in all respects as if the Provisions of this Act for transferring the Curragh to the Secretary of State for War had come into operation, subject nevertheless to the following Provisions:

(1.) During the Currency of the Lease all Powers and Duties vested in or imposed on the Secretary of State for War by or under this Act shall be exercised and performed by the Commissioner of Woods with the Concurrence of the Secretary of State for War:

(2.) After the Determination of the Lease those Powers and Duties shall be exercised and performed by the Commissioner of Woods without such Concurrence.

Rent to be estimated with regard to Expenses of Act.

91. In estimating the Amount of the Rent to be reserved on any such Lease, the Commissioners of Her Majesty's Treasury shall have regard to the Amount expended by the Secretary of State for War in the Execution of this Act, including the Amount of any Annuity allowed to the Ranger of the Curragh under this Act.

Rangership.

Vacancy in Rangership not to be filled up.

92. Any Vacancy happening after the passing of this Act in the Office of Ranger of the Curragh shall not be filled up.

Discontinuance of Rangership on Award and Annuity to then Holder of Office.

93. The Person (if any) filling the Office of Ranger of the Curragh at the Time of the Deposit of the Award shall then cease to be Ranger, and shall be entitled to receive for his Life an Annuity of such Amount as the Commissioners of Her Majesty's Treasury think fit to allow, *such Annuity to be paid by the Secretary of State for War out of Money to be provided by Parliament for that Purpose, free from Deduction, except in respect of Income Tax, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury direct.*

Custody of Map, Award, &c.

Clerk of Peace to retain Map, Award, &c.

94. The Clerk of the Peace for the County of Kildare shall retain the Map deposited for the Purposes of this Act, and the Award, and any other Document deposited with him under this Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom or thereof, in the like Manner, and on the like Terms, and under the like Penalty for Default as are provided in relation to certain Plans and Sections by an Act passed in the First Year of Her Majesty's Reign, intituled "An Act to compel Clerks "of the Peace for Counties and other Persons to take the Custody "of such Documents as shall be directed to be deposited with them "under the Standing Orders of either House of Parliament."

7 W. 4 & 1 Vict. c. 83.

Exceptions and Savings.

Exemption of Closes and Roads in First Schedule.

95. Nothing in this Act shall in any Manner apply to or affect the Closes or Parcels of Land and Buildings or the Roads respectively described in the First Schedule to this Act, and the same respectively shall to all Intents remain and be as if this Act had not been passed.

Nothing in Act to confer Right, &c.

96. Nothing in this Act shall confer on or confirm to any Person any Estate, Right, or Interest in or over the Curragh or any Part thereof.

Saving for Rights of Crown and Individuals.

97. Save as in this Act expressly provided, nothing in this Act shall take away or prejudicially affect any Estate, Right, or Interest of Her Majesty, in right of Her Crown or otherwise, or of any Person in, to, or over the Curragh or any Part thereof.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Closes or Parcels of Land and Buildings and Roads exempted from Operation of Act.

Closes or Parcels of Land and Buildings.

No. on Map referred to in Act.	Description of Lands and Buildings.	Names of Grantees, Lessees, &c.	Dates of subsisting Grants, Leases, &c.	Particulars of Holdings.
1	The New Stand House.	The Representatives of the late Marquis of Waterford as Trustees for a Society called The Irish Turf Club.	21 April 1852	Annual Tenancy from 5 April 1852, determinable by Three Months Notice, at Rent of One Shilling per Annum to Crown.
2	Stables, erected on Site of Old Stand House.	The Most Honourable Nathaniel Francis Nathaniel Marquis of Conyngham, as a Trustee for the Irish Turf Club.	24 March 1864	Annual Tenancy from 25 March 1864, determinable by Three Months Notice, at Rent of 1*l.* per Annum to Crown.
3	Police Barrack -	Arthur Beresford Cave, Receiver of the Constabulary Force in Ireland.	31 December 1860	Lease for 99 Years from 25 December 1845, at Rent of 14*l.* per Annum to Crown.
4	Two Cottages -	William Quinn and B. McDonough.	29 February 1856 30 June 1864	Weekly Tenancies at Rent of Two Shillings and Sixpence per Week for each Cottage to Crown.
5	Land, with Stables thereon.	Patrick Connolly.	3 June 1863	Lease for 31 Years, from 25 March 1860, at Rent of 1*l.* per Annum to Crown.
6	Police Barrack -	The Secretary of State for War.	13 January 1859	Erected under Authority from Secretary of State for War.
7	The Hare Park or Covert of Rathbride. (8A. 1R. 30P.)	Henry Baron de Robeck on behalf of the Kildare Hunt Club.	28 February 1866	Lease for 21 Years from 29 September 1856, determinable at End of first 7 or 14 Years at Rent of 1*l.* per Annum to Crown.

No. on Map referred to in Act.	Description of Lands and Buildings.	Names of Grantees, Lessees, &c.	Dates of subsisting Grants, Leases, &c.	Particulars of Holdings.
8	Land near the Race Stand.	William Taylor, Secretary to the Great Southern and Western Railway Company.	20 March 1863	Annual Tenancy from 29 September 1862 at Rent of One Shilling per Annum to Crown.
9	The Camp Inn -	Mrs. Hilton -	29 January 1857	Weekly Tenancy at Rent of Two Shillings and Sixpence per Week to Crown.
10	Cottage - -	Patrick Fahy -	- - -	Residence for One of the Constables employed on behalf of Crown in Protection of Curragh.
11	Land at Strawhall.	Mr. Davies -	18 November 1856	Sold by Commissioner of Woods to Mr. Davies.
12	Police Barrack and Garden.	Sub Inspector of Police at Lumville.	5 October 1861	Barrack erected under Authority from Secretary of State for War. For Garden Rent of 1*l.* per Annum payable to Crown.
13	Land with a Chapel erected thereon. (About 1A.)	The Reverend John Frayer Matthews and others as Trustees for the Society of People called Methodists.	4 January 1861	Lease for 99 Years, from 29 September 1860, at Rent of 1*l.* per Annum to Crown.
"	" " (About 1A.)	The same - -	16 October 1862	Lease for 31 Years, from 25 March 1862, at Rent of 1*l.* per Annum to Crown.
14	Constabulary Court House.	The Secretary of State for War.	13 January 1859	See No. 6 above.
15	Part of the Line of the Great Southern and Western Railway. (18A. 3R. 12P.)	The Great Southern and Western Railway Company.	16 December 1863	Conveyed by Commissioner of Woods to the Railway Company in consideration of Payment by them to Crown of 435*l.* 13*s.* 7*d.*
16	Land near Lumville.	Late in the Occupation of Ponsonby Moore.	- - -	Lease granted by Commissioner of Woods to Mr. Ponsonby Moore 25 August 1859, but surrendered 31 July 1865; Reletting not yet made.

Roads.

All Roads or Parts of Roads at the passing of this Act maintained and repaired by or at the Expense of the County of Kildare.

THE SECOND SCHEDULE.

Forms.

Claim.

THE CURRAGH OF KILDARE ACT, 1866.

The Claim of *A.B.* under the above-mentioned Act.

Name of Claimant - -	
Description of Claimant. -	
Address of Claimant at which all Notices to Claimant respecting this Claim may be delivered.	
Name of Agent for Claimant, and Address of that Agent, at which all Notices to Claimant respecting this Claim may be delivered.*	
Nature, Extent, and other Particulars of Claim.	
Situation and Quantity of Lands in respect of which Claim is made.	
Nature, Extent, and other Particulars of Claimant's Estate or Interest in those Lands.	
Rent or other Payment or Acknowledgment payable or due to Crown in respect of Right claimed.	
Value in Money of Right claimed.	

Dated this Day of (Signed) *A.B.*
[*or C.D.*, Attorney *or* Agent
for the above-named *A.B.*]

Witness
X.Y.

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* This Part of the Form to be filled up only when the Claimant desires to appoint an Agent.

Summons by Commissioners.

THE CURRAGH OF KILDARE ACT, 1866.

To Mr. *O.P.*

The Curragh Commissioners require you to attend before them at on the Day of , at the Hour of of the Clock , to be examined as a Witness before them in the Matter of a certain Claim, lodged under the above-mentioned Act by *A.B.* [*add, if required,* and to bring, and have with you, and produce there and then the Books, Papers, and Writings following; namely,
Insert List of Books, &c.]

Dated this Day of 186 .
(Signed) *X.Y.*,
Clerk to the Commissioners.

Note.—This Summons is issued on the Application of

Summons to Field Reeve.

To *A.B.* of , in the County of *K* , Field Reeve of the Western Division of the Curragh of Kildare.

County of Kildare to wit. } I *C.D.* , Esquire, One of Her Majesty's Justices of the Peace in and for the County of Kildare, do hereby summon you personally to be and appear before Her Majesty's Justices of the Peace at in the said County, on the Day of at the Hour of in the noon of the same Day, to answer the Complaint of *X.Y.*, that he is charged with an excessive Payment in lieu of a Diminution of his Right of Pasture in the Pasture of the Western Division of the Curragh of Kildare; otherwise the Complaint will be proceeded with as if you had appeared. Given under my Hand this Day of in the Year 18 .

(Signed) *C.D.*

Order on last foregoing Summons.

County of Kildare to wit. } The Order of *E.F.* and *G.H.* , Esquires, Two of Her Majesty's Justices of the Peace in and for the said County, made at in the

said County the Day of
in the Year 18 .

Whereas Complaint has been made to us by *A.B.* for that he [*state the Complaint as in the Summons*]: Now we do declare that the [yearly] Sum of is a reasonable Payment in lieu of a Diminution of the Right of Pasture aforesaid; and do order that such [yearly] Sum be paid according to the Directions of the Statute in that Behalf. Given under our Hands this Day of in the Year .

(Signed) *E.F.*
G.H.

Curragh of Kildare.

A

B I L L

To make better Provision for the Management and Use of the Curragh of Kildare.

(Prepared and brought in by
Mr. Childers, Mr. Chichester Fortescue, and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
3 *May* 1866.

[Bill 136.] ⟵ *Under* 4 *oz.*

A

BILL

TO

Alter certain Duties of Customs in the Isle of Man, and for other Purposes.

Preamble.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Alteration of Duties of Customs after 15 March 1866.

1. In lieu of the Customs Duties now chargeable on the Articles herein-after mentioned upon their Importation into the Isle of Man, the following Duties shall be charged from and after the *Fifteenth Day of March One thousand eight hundred and sixty-six;* that is to say,

	£	*s.*	*d.*
Spirits, viz.			
——— Brandy, Geneva, and all Foreign Spirits, not being Liqueurs, Cordials, or perfumed Spirits - the Gallon	*0*	*8*	*0*
——— Rum and Rum Shrub of the British Possessions, the Gallon	*0*	*6*	*0*
——— British or Irish Spirits exported from a Duty-free Warehouse under Bond in the United Kingdom, the Gallon	*0*	*6*	*0*
Such Spirits not exceeding the Strength of Proof by Sykes' Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.			

		£	s.	d.
Sugar, viz.				
——— Muscovado	the Cwt.	*0*	*3*	*0*
——— Sugar Candy, White or Brown, refined Sugar or Sugar rendered by any Process equal to refined, Foreign or British	the Cwt.	*0*	*6*	*0*
Tobacco, viz.				
——— Unmanufactured	the lb.	*0*	*2*	*6*
——— Manufactured	the lb.	*0*	*4*	*9*
——— Cigars	the lb.	*0*	*4*	*9*
Wine	per Gallon	*0*	*1*	*8*

Goods on which Duties not paid not to be delivered for Consumption.

2. It shall be lawful for Her Majesty at any Time, by Order in Council, to direct that Goods liable to any Duties of Customs upon their Importation from Foreign Parts into the said Isle shall not be delivered for Consumption in the said Isle without Payment of such Duties, whether any Duty shall or shall not have been previously paid on such Goods in England or elsewhere.

Application of Duties.

3. The Commissioners of Her Majesty's Customs shall apply the Duties of Customs collected in the Isle of Man (except the necessary Charges of collecting, recovering, and accounting for the same, which Charges they are hereby authorized and directed to retain and pay out of the gross Amount collected, notwithstanding the Provisions of the Act of the Seventeenth and Eighteenth of Victoria, Chapter Ninety-four,) in manner following; (that is to say,) they shall thereout pay and defray the necessary Expenses attending the Government of the Isle of Man, and the Administration of Justice there, and other Charges incurred in the Isle which have heretofore been or may hereafter be deemed fit and proper Charges to be deducted from and paid out of the Duties of Customs collected in the Isle of Man, including so much (if any) of the Services which shall have been voted by the House of Commons applicable to the Isle of Man as the Commissioners of Her Majesty's Treasury shall from Time to Time direct: Provided that no Part of the said Duties of Customs shall be applied for or towards any of the Navy Services, except the Salaries and Expenses of the Coast Guard Service of the Isle of Man, and that no Part of the said Duties of Customs shall be applied for or towards any of the Army Services, except the Charge of the Volunteers of the Isle of Man.

Sum of 2,300*l.* made payable by 8 & 9 Vict. c. 94. s. 25. to be paid out of Duties.

4. Out of the same Duties of Customs the said Commissioners shall pay the annual Sum of Two thousand three hundred Pounds, made payable by the Act Eight and Ninth of Victoria, Chapter Ninety-four, Section Twenty-five, to Her Majesty's Receiver General in the Isle of Man, and to be applied for the lawful Purposes of the Harbour Commissioners therein mentioned.

5. In

One Ninth of Duties to be applied in Public Improvements in Isle of Man.

5. In addition to the Payments out of the Customs Duties herein-before directed, there shall be set aside annually a Sum equal to *One Ninth Part* of the gross Amount of the Duties of Customs collected in the Isle of Man, to be applied by the Commissioners of the Treasury in effecting Improvements in the Harbours and other Public Works in the Isle of Man, the necessary Repairs and Improvements in the Harbours taking Priority to other Public Works; and it shall be lawful for the Court of Tynwald from Time to Time to determine what Improvements and Public Works shall be so undertaken, the Lieutenant Governor having a Veto upon such Decision; and such *One Ninth Part* of the said gross Amount of the Duties of Customs collected in the Isle of Man being in satisfaction of and in substitution for the Sum equal to One Ninth Part of the Amount derived from such Duties by the Customs Consolidation Act, 1853, Section Three hundred and fifty-five, directed to be set apart and applied as therein mentioned.

Power to Harbour Commissioners to borrow Money.

6. It shall be lawful for the Harbour Commissioners of the Isle of Man, or the major Part of them, (of whom Her Majesty's Receiver General in the Isle of Man or his Deputy for the Time being shall be One,) from Time to Time, with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow of or from any Commissioners, Body, or Person willing to advance the same on the Security of *Two* other *Ninth Parts* of the gross Amount of the Duties of Customs collected in the Isle of Man, such Sum or Sums of Money as the Court of Tynwald (with such Approbation as aforesaid) may have determined to be necessary for the Purpose of effecting Improvements in the Harbours of the Isle of Man; and it shall be lawful for the Court of Tynwald from Time to Time to determine what Improvements shall be so undertaken, the Lieutenant Governor having a Veto upon such Decision; and it shall be lawful for the said Harbour Commissioners, or such Majority of them as aforesaid, by any Deed or Deeds under their Hands and Seals, to charge the said *Two Ninth Parts* of the said gross Amount of the Duties of Customs collected in the Isle of Man, on the Security whereof any such Money as aforesaid might be borrowed, with the Repayment of the Principal Money and Interest according to the Terms agreed on with any Commissioners or other Body or Person by whom the respective Advance may be made; and the Commissioners of Her Majesty's Customs shall, in the event of any such Charge being made, pay and apply the said *Two Ninth Parts* of the said gross Amount, or so much thereof as shall be necessary, in Payment of such Principal and Interest accordingly.

Subject to above Charges

7. Subject to the Charges aforesaid the Sum of *Ten thousand Pounds* out of the Duties of Customs of the Isle of Man shall be

10,000*l.* to be paid into Her Majesty's Exchequer.

brought and paid into the Receipt of Her Majesty's Exchequer distinctly and apart from all other Branches of the Public Revenue, and shall go and make Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and in case the Customs Duties of the Isle of Man shall not be sufficient in any Year to pay the whole of the said *Ten thousand Pounds*, then the Deficiency shall be added to the *Ten thousand Pounds* becoming due in the succeeding Year, and be payable with the like Priority, and so on from Year to Year as regards the Deficiency, if any, of the preceding Year or Years: Provided always, and be it enacted by way of Substitution for the Provisions of the Isle of Man Harbours Amendment Act, 1864, Section Two, that if there shall be any Deficiency in respect of the Works in that Act mentioned as proposed to be erected at Port Erin in the Isle of Man, by the Application of the Loan therein mentioned, to meet the Claims of the Public Works Loans Commissioners to Payment as such Claims fall due, then the Amount so deficient, to an Extent not exceeding *One thousand six hundred Pounds* in any One Year, shall be charged and paid, and deducted by the Commissioners of Her Majesty's Customs, out of the said Sum of *Ten thousand Pounds* before the Payment thereof into the Receipt of Her Majesty's Exchequer; and if after the Completion of the said proposed Works at Port Erin, it shall be found that the Harbour Dues and other Monies received and applicable to the Payments to be made to the Public Works Loans Commissioners are more than sufficient to provide for such annual Payments as they shall fall due, the Balance, after providing for such Payments, shall be applied yearly to repay any Monies which shall have been advanced out of the Surplus of Customs Revenues under the Authority of the said Isle of Man Harbour Amendment Act, 1864, or which shall have been advanced out of the said annual Sum of *Ten thousand Pounds* under the Authority of this Act, with Interest thereon respectively at the Rate of *Three and a Quarter* per Centum per Annum, from the Time of the Advance to the Time of Repayment.

Surplus (if any) of Duties to be applied to public Purposes in Isle of Man.

8. The Surplus, if any, of the Duties of Customs of the Isle of Man, after deducting the Sums herein-before directed or authorized to be paid or set aside thereout or charged thereon, shall be applied for such public Purposes of the Isle of Man, to be approved of by the Commissioners of Her Majesty's Treasury, as the Court of Tynwald shall from Time to Time determine, the Lieutenant Governor having a Veto upon such Decision.

Investment of Surplus.

9. The clear surplus Income (if any) arising from the said Duties of Customs in any Year which shall not be required for the Purposes of that Year shall be invested in such Names and on such Securities as the Commissioners of the Treasury shall from Time to Time direct, and the Sums so invested, with the Interest and Accumulations thereof, shall form a Fund to be called "The Isle of Man Accumulated Fund," and such Fund, or any Part thereof, shall from Time to Time be applicable for the Purposes and in the Manner in which the same would have been applicable if it had been surplus Income of the Year in which it shall be applied.

Provision for Alteration of Scale of Dues.

Treasury with Consent of Court of Tynwald may revise Constitution of Commissioners.

10. *In case the Dues, which under the Authority of any Act of Parliament heretofore passed may be taken from Vessels using any of the Harbours in the Isle of Man, shall not be sufficient to keep down the Interest and Instalments of Principal payable under any Mortgage of the said Dues made under the Authority of any Act of Parliament, it shall be lawful for the Commissioners of Her Majesty's Treasury, with the Consent of the Court of Tynwald, from Time to Time to alter the Scale of Dues, but so as not to reduce the same or any of them below the Amount prescribed by any Act of Parliament; and it shall be lawful for the Commissioners of Her Majesty's Treasury, with the Consent of the Court of Tynwald, from Time to Time to revise the Constitution of the Commissioners for putting in execution the Act of the Eleventh Year of King George the Third, Chapter Fifty-two; and the Persons nominated or appointed or elected to be such Commissioners in pursuance of any Rules laid down by the Commissioners of the Treasury, with the Consent of the Court of Tynwald, shall have all the Powers by the last-mentioned Act or by any other Act of Parliament given to the Commissioners nominated and appointed or elected in pursuance of the said Act of the Eleventh Year of the Reign of King George the Third, Chapter Fifty-two.*

Annual Account of Receipt and Expenditure to be transmitted to Treasury and laid before Parliament.

11. The Commissioners of Her Majesty's Customs shall immediately after the *Thirty-first of March* in each Year cause to be made out an Account of their Receipts and Expenditure in respect of the Duties of Customs of the Isle of Man, and shall transmit the same, with Books and Vouchers relating thereto, to the Commissioners for auditing Public Accounts, who shall examine the said Accounts and certify thereon as to the Correctness of the Sums therein contained as compared with the Books and Vouchers relating thereto; and the Commissioners for auditing Public Accounts shall transmit Copies of the Accounts so examined, and certify to the Commissioners of Her Majesty's Treasury, with their Report thereon in the usual Way; and such Accounts, together with the Reports of the Commissioners of Audit thereon, and together also with a Statement of the Account of "The Isle of

Man Accumulated Fund," and of the Application of any Part thereof in the course of the preceding Year, shall be laid before the House of Commons by the Commissioners of Her Majesty's Treasury on or before the *Thirtieth of June* following if Parliament shall then be sitting, or if not then within *One Week* after Parliament shall be next assembled, and Copies of such Accounts, Reports, and Statements shall also be transmitted to the Lieutenant Governor of the Isle of Man, and shall by him be laid before the Court of Tynwald.

Saving Rights of Isle of Man.

12. Nothing in this Act contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect any of the Rights or Privileges legally exercised or enjoyed by the said Isle at the Time of the passing of this Act.

Short Title.

13. This Act may be cited as the "Isle of Man Customs, Harbours, and Public Purposes Act, 1866."

Customs Duties (Isle of Man).

A

BILL

To alter certain Duties of Customs in the Isle of Man, and for other Purposes.

(Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed*, 23 *March* 1866.

[Bill 91.]

Under 1 oz.

A

B I L L

TO

Grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

1. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs and Inland Revenue respectively specified and contained in the several Schedules marked respectively (A.), (B.), and (C.) to this Act annexed; and the said Rates and Duties shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, and paid for and during the Periods respectively specified or mentioned in that Behalf in the said Schedules respectively, and where no Period is specified or limited for the Duration thereof the same shall continue to be charged, collected, and paid respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

2. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, or, as regards the Income Tax, in force on the Fifth Day of April One thousand eight hundred and sixty-six (except as herein-after provided), shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the Rates and Duties by this Act granted respectively: Provided always, that for the Purposes of this Act the Year One thousand eight hundred and sixty-two, mentioned in the Forty-third Section of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-six.

AS TO CUSTOMS.

Customs Duties on Wood and Timber to cease on 26th March 1866.

3. The Duties of Customs now charged and payable upon the Goods herein-after mentioned upon their Importation into Great Britain and Ireland shall cease and determine on and after the *Twenty-sixth Day of March One thousand eight hundred and sixty-six;* that is to say,

		£	s.	d.
Wood and Timber, Foreign and Colonial, viz.:				
——— Hewn - - - - -	the Load	*0*	*1*	*0*
——— Sawn or Split, planed or dressed - -	„	*0*	*2*	*0*

Wood

		£	s.	d.
Wood and Timber, Foreign and Colonial—*continued.*				
—— Firewood	the Load	0	1	0
—— Hoops	„	0	2	0
—— Lathwood	„	0	1	0
—— Shovel Hilts	„	0	2	0
—— Staves exceeding 72 Inches in Length, 7 Inches in Breadth, or 3½ Inches in Thickness	„	0	2	0
—— Staves not exceeding 72 Inches in Length nor 7 Inches in Breadth nor 3½ Inches in Thickness (except Staves for Herring Barrels)	„	0	1	0
—— Teak and Wood for Shipbuilding Purposes, formerly admitted free, and Treenails, of all Sorts	„	0	1	0
Furniture or Hard Woods, viz:				
———— Amboyna	each the Ton	0	1	0
———— Beef Wood				
———— Black Wood				
———— Box Wood				
———— Cedar				
———— Cherry Wood				
———— Cochinella				
———— Ebony				
———— King Wood				
———— Lignum Vitæ				
———— Mahogany				
———— Maple				
———— New Zealand				
———— Olive Wood				
———— Partridge Wood				
———— Purple Wood				
———— Rose Wood				
———— Santa Maria Wood				
———— Satin Wood				
———— Saunders or Sandal, White or Yellow				
———— Speckled Wood				
———— Sweet Wood				
———— Tulip Wood				
———— Walnut Wood, except Gun Stocks				
———— Zebra Wood				
———— and Hard Woods unenumerated (except Veneers), not being Ash, Beech, Birch, Elm, Oak, and Wainscot				

Customs Duties on Pepper and Ships to cease on 5th May 1866.

4. On and after the *Fifth Day of May One thousand eight hnudred and sixty-six* the Duties of Customs now charged and payable upon the Goods herein-after mentioned, upon their Importation into Great Britain and Ireland, shall cease and determine; that is to say:

		£	s.	d.
Pepper of all Sorts - - - - -	the Lb.	0	0	6
and 5*l.* per Cent. thereon.				
Ships, with their Tackle, Apparel, and Furniture, viz.:				
—— Foreign, built of Wood, and Ships built of Wood in any of Her Majesty's Possessions abroad on the Registration thereof as British Ships at any Port or Place for the Registry of British Ships in Great Britain and Ireland:				
For every Ton of the Gross Registered Tonnage without any Deduction in respect of Engine Room or otherwise - - - - -		0	1	0

Drawback on Exportation of Wood and Timber to cease on 5th May 1866.

5. On and after the *Fifth Day of May One thousand eight hundred and sixty-six* so much of "The Customs Duties Consolidation Act, 1860," Section One, as enacts "That a Drawback on "the Exportation of Wood and Timber proportionate to the Duties "of Customs paid thereon shall be allowed, provided that the "Person entitled thereto and claiming the same shall make and "subscribe a Declaration that the Goods in respect of which he "claims such Drawbacks are of Foreign or Colonial Produce, as the "Case may be, and show to the Satisfaction of the Commissioners "of Customs that Customs Duties to the like Amount have been "paid thereon upon the Importation thereof," shall be and the same is hereby repealed.

As to Income Tax.

The Sums assessed to the Income Tax under Schedules (A.) and (B.) for the Year 1865 to be taken as the annual Value for Assessment under this Act.

6. The Sum charged as the annual Value or Amount of any Property, Profits, or Gains in the several and respective Assessments of Income Tax made in pursuance of the Act passed in the Twenty-seventh Year of Her Majesty's Reign, Chapter Eighteen, under Schedules (A.) and (B.) respectively of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for the Year ended on the Fifth Day of April One thousand eight hundred and sixty-six, shall (except as to the several and respective Concerns described in No. III. of Schedule (A.) of the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Thirty-five, and otherwise as provided by the Acts relating to Income Tax) be taken as the annual Value or Amount of such Property, Profits, or Gains respectively for the Year commencing on the *Sixth Day of April One thousand eight hundred and sixty-six,* and the Duties of Income Tax granted by this Act, and chargeable under the said Schedules respectively, shall be computed, assessed, and charged according to such annual Value or Amount; and the Commissioners executing the Income Tax Acts shall, for each Place within their several and respective Districts, cause Duplicates of the Assessments of the said Duties so computed, assessed, and charged under the said Schedules (A.) and (B.) for the said last-mentioned Year to be made out and delivered, together with Warrants for collecting the same; and in England the said Commissioners shall appoint such Persons, being Inhabitants of the Place to which the Duplicate shall relate, as they the said Commissioners shall think fit, to be Collectors of the Duties thereby charged, in like Manner as if such Persons had been presented to them by Assessors under the Acts now in force: Provided always, that the said Assessments shall be subject to be increased in like Manner as the Assessments made for the Year ended on the Fifth Day of April One thousand eight hundred and sixty-six, and subject also to be abated or discharged at the End of the Year commencing on the *Sixth Day of April One thousand eight hundred and sixty-six* for any Cause allowed by the said Acts; provided that whenever it shall appear that any Property, Profits, or Gains chargeable under the said Schedules (A.) and (B.) respectively have not been charged by the Assessments made for the Year ended on the Fifth Day of April One thousand eight hundred and sixty-six, such Property, Profits, and Gains shall be assessed to the Duties of Income Tax granted by this Act under the Provisions of the said several Acts applicable thereto.

Assessors not to be appointed for Duties under Schedules (A.) and (B.)

7. No Assessors shall be appointed for the Duties payable under the said Schedules (A.) and (B.), but the Inspectors or Surveyors of Taxes shall act as Assessors in respect of such Duties whenever it shall be necessary; and in lieu of the Poundage granted by the One hundred and eighty-third Section of the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, to be divided between the Assessors and Collectors in regard to the Duties which shall be collected under the said Schedules (A.) and (B.), there shall be paid a Poundage of *Three Halfpenec* to the Collectors of the said Duties.

Concerns described in No. III. of Schedule (A) of 5 & 6 Vict. c. 35. to be assessed under Schedule (D.) of said Act.

8. The several and respective Concerns described in No. III. of Schedule (A.) of the said Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Thirty-five, shall be charged and assessed to the Duties hereby granted in the Manner in the said No. III. mentioned, according to the Rules prescribed by Schedule (D.) of the said Act, so far as such Rules are consistent with the said No. III.: Provided that the annual Value or Profits and Gains arising from any Railway shall be charged and assessed by the Commissioners for Special Purposes.

Railways to be assessed by Commissioners for Special Purposes.

Extending to Persons registering Foreign Dividends, &c. for Payment in the United Kingdom the Provisions contained in 5 & 6 Vict. c. 35. s. 96., 5 & 6 Vict. c. 80. s. 2., 16 & 17 Vict. c. 34. s. 10., and 24 & 25 Vict. c. 91. s. 36.

9. The Provisions made by the several Income Tax Acts in force on the Fifth Day of April One thousand eight hundred and sixty-six for assessing and charging the Duties on Dividends and Shares of Annuities payable out of the Revenue of any Foreign State or Colonial Government, and all Interest, Dividends, or other annual Payments payable out of or in respect of the Funds, Stocks, Shares, or Securities of any Foreign or Colonial Company, Society, Adventure, or Concern, intrusted to any Person in the United Kingdom for Payment to any Person therein, shall be and the same is hereby extended and shall be applied to the assessing and charging of the Income Tax on all such Dividends and Shares of Annuities, and Interest, Dividends, and other annual Payments, where the Right or Title of the Person to whom the same may be payable is shown by the Registration or Entry of the Name of such Person in any Book or List ordinarily kept in the United Kingdom; and for the Purpose of such Assessment and Charge the Agent or other Person having the ordinary Custody of such Book or making such List shall be deemed to be the Person intrusted with the Payment of such Dividends and Shares of Annuities, and Interest, Dividends, and other annual Payments, within the Meaning of the said Income Tax Acts.

SCHEDULES.

SCHEDULE (A.)

CONTAINING the DUTIES of CUSTOMS granted by this Act.

The Duties of Customs now charged on Tea shall continue to be levied and charged,

On and after the First Day of August One thousand eight hundred and sixty-six until the First Day of August One thousand eight hundred and sixty-seven, on the Importation thereof into Great Britain and Ireland; that is to say,

		£	s.	d.
Tea - - - - - - -	the lb.	*0*	*0*	*6*

In lieu of the Duties of Customs now charged on Wine, the following Duties shall be charged thereon, on the Importation thereof into Great Britain and Ireland; that is to say,

	Containing less than the following Rates of Proof Spirit verified by Sykes' Hydometer, viz.:					
	26 Degrees.			42 Degrees.		
	£	s.	d.	£	s.	d.
Red Wine, the Gallon - - -	*0*	*1*	*0*	*0*	*2*	*6*
White Wine - - - -	*0*	*1*	*0*	*0*	*2*	*6*
Lees of such Wine - - - - -	*0*	*1*	*0*	*0*	*2*	*6*

and for every Degree of Strength beyond the highest above specified an additional Duty of *Threepence* per Gallon. Ten per Cent. of Proof Spirit may be used in the fortifying of any Wine in Bond, provided that the Wine so fortified be not thereby raised to a greater Degree of Strength than Forty per Cent. of such Proof Spirit, if for Home Consumption.

SCHEDULE (B.)

CONTAINING the DUTIES of EXCISE granted by this Act.

Mileage Duty on Stage Carriages.

For and in respect of every Mile which any Stage Carriage shall be licensed to travel in Great Britain, on and after the *Second Day of July One thousand eight hundred and sixty-six*, the Excise Duty of *One Farthing*, in lieu of the Mileage Duty now payable.

On Licences to let Horses for Hire.

For and in respect of every Licence to be taken out yearly on and after the *Sixth Day of July One thousand eight hundred and sixty-six* by every Person who shall let any Horse for Hire in Great Britain, with or without any Carriage to be used therewith, the following Duties; (that is to say,)

	£	s.	d.
Where the Person taking out such Licence shall keep at one and the same Time to let for Hire One Horse or One Carriage only - - - - - -	5		0
And where such Person shall keep as aforesaid any greater Number of Horses or Carriages:			
Not exceeding Three Horses or Two Carriages - -	10	0	0
Not exceeding Four Horses or Three Carriages - -	15	0	0
Not exceeding Five Horses or Four Carriages - -	20	0	0
Not exceeding Six Horses or Five Carriages - -	25	0	0
Not exceeding Eight Horses or Six Carriages - -	30	0	0
Not exceeding Twelve Horses or Nine Carriages -	40	0	0
Not exceeding Sixteen Horses or Twelve Carriages -	50	0	0
Not exceeding Twenty Horses or Fifteen Carriages -	60	0	0
Exceeding Fifteen Carriages - - -	70	0	0
Exceeding Twenty Horses, then for every additional Number of Ten Horses, and for any additional Number less than Ten over and above Twenty, or any other Multiple of Ten Horses, the further additional Duty of - - - - - -	10	0	0

in lieu of the Duties now payable on such Licences.

SCHEDULE (C.)

CONTAINING the Rates and Duties of INCOME TAX granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-six, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties shall be charged; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of *Fourpence*:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof—

In England the Rate or Duty of *Twopence*:

And in Scotland and Ireland respectively the Rate or Duty of *One Penny Halfpenny*:

Subject to the Provisions contained in Section Three of the Act Twenty-sixth Victoria, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under One hundred Pounds a Year, and Relief of those whose Income is under Two hundred Pounds a Year.

Customs and Inland Revenue.

A

BILL

To grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto.

(Prepared and brought in by
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1866.

[Bill 145.]

Under 2 oz.

A

BILL

TO

Extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and The Bearce Common, and for authorizing Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons.

WHEREAS by the Thirteenth Section of the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and eighteen, commonly called The General Inclosure Act of 1845, it was enacted that no Part of the New Forest in the County of Southampton or of the Forest of Dean in the County of Gloucester should be Land subject to be inclosed thereunder: Preamble. 8 & 9 Vict. c. 118.

And whereas it is expedient that the said Section, so far as regards certain Portions of the said Forest of Dean called Walmore Common in the Parish of Westbury on Severn, and The Bearce Common in the Parish of Briavels, should be repealed, and that the Inclosure Commissioners for England and Wales should be empowered to make such Allotment or Inclosure of the same Commons as is herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13th Section of General Inclosure Act repealed so far as relates to Walmore and Bearce Commons.

1. The said Thirteenth Section of the said General Inclosure Act of 1845 shall, so far as relates to the said Walmore Common and Bearce Common, be repealed; and the said General Inclosure Act and all the other Acts for the Inclosure, Exchange, and Improvement of Land, and all other Acts of Parliament whatsoever, shall and may be read and acted on as though the said Commons had not been included in the said Thirteenth Section of the said first-mentioned Act, with this Exception as to Encroachments, that the Term of *Sixty Years* shall be substituted for the Term of Twenty Years in the Fiftieth, Fifty-first, and Fifty-second Sections of the said General Inclosure Act of 1845.

Inclosure Commissioners to appoint Valuer and fix his Remuneration.

Valuer to ascertain the Boundaries of the Commons and ascertain and settle Claims, and to make an Allotment to Her Majesty.

2. With respect to each of the said Commons, it shall be lawful for the Inclosure Commissioners for England and Wales, if they shall think fit, on the Request of the Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being having charge of the said Forest of Dean, and without any Request or Consent of any other Person, to appoint some competent Land Surveyor to act as Valuer for the Purposes of this Act, and to fix the Amount of Remuneration to be paid to such Valuer, and such Valuer shall forthwith proceed to ascertain the Boundaries of such Commons and to ascertain and determine the Persons interested therein and all Claims relating thereto; and he shall allot and award in manner prescribed by the said Acts for the Inclosure, Exchange, and Improvement of Land, or as near thereto as the Circumstances of the Case will admit of, unto Her Majesty, Her Heirs and Successors, so much of such Common, together with all such Roads and Ways, Drains and Embankments, as shall be necessary for the Use and Enjoyment and Protection of the Land so allotted and awarded as shall be a just Equivalent (Quantity and Value considered) for all the Estate and Forests and other Rights of Her Majesty, Her Heirs or Successors, in, to, or out of such Common, and for the Expenses of such Allotment and Award (which are to be defrayed out of the Revenues of the said Forest of Dean as herein-after mentioned), such Rights nevertheless to be estimated exclusively of the Rights and Interests of Her Majesty, Her Heirs and Successors, in and to the Mines and Minerals in or under such Common; and the Land so allotted and awarded shall from and after the Completion of the Award in manner prescribed by the said Acts for the Inclosure, Exchange, and Improvement of Land remain vested in Her Majesty, Her Heirs and Successors, freed and discharged from all Rights of Common and other Rights whatsoever, save and except the lawful Rights of Free Miners in the Forest of Dean and Hundred of Saint Briavels and those claiming under them to existing or future Gales of Coal or Iron (if any) in or under the same.

Commissioners of Woods may dispose of Crown Allotment.

3. It shall be lawful for the Commissioners of Woods to sell, exchange, or otherwise dispose of and to convey the Lands so allotted or any Part of the same, if and as they shall think fit, and to exercise the same Powers over and in respect of the same as they are or may be authorized by Law to exercise over other Lands belonging to Her Majesty in right of Her Crown not being Part or Parcel of any Royal Forest, Park, or Chase in England.

Residue of Common disafforested.

4. From and after the Completion of any such Allotment and Award the Residue of the Common out of which such Allotment shall have been made shall be disafforested, but shall remain subject to all the same Rights, Estates, and Privileges as the whole of the same Common was subject to prior to such Allotment and Award, except such Estate and Forestal and other Rights of Her Majesty as by such Award shall be declared to be extinguished; and the said Award shall for all Purposes be conclusive as to the Persons entitled to any such Rights, Estates, or Privileges, except as to Rights or Privileges to or regarding Mines and Minerals.

Commissioners to defray Expenses out of Revenues of Forest of Dean.

5. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall defray all the Expenses of any such Allotment and Award as aforesaid out of any Moneys in their Hands forming Part of the Revenues of the said Forest of Dean.

Special Powers not to affect ordinary Powers of Inclosure Commissioners to inclose Entirety of said Commons.

6. The special Powers herein contained shall not be deemed to alter or affect the ordinary Powers of the said Inclosure Commissioners for England and Wales to inclose the Entirety of the said respective Commons under the said Acts for the Inclosure, Exchange, and Improvement of Land and this Act.

Dean Forest (Walmore and The Bearce Commons).

A

B I L L

To extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and The Bearce Common, and for authorizing Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons.

(Prepared and brought in by
Mr. Childers and Mr. William Cowper.)

Ordered, by The House of Commons, *to be Printed,*
30 *April* 1866.

[Bill 129.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and The Bearce Common, and for authorizing Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons.

Preamble.
8 & 9 Vict. c. 118.

WHEREAS by the Thirteenth Section of the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and eighteen, commonly called The General Inclosure Act of 1845, it was enacted that no Part of the New Forest in the County of Southampton or of the Forest of Dean in the County of Gloucester should be Land subject to be inclosed thereunder:

And whereas it is expedient that the said Section, so far as regards certain Portions of the said Forest of Dean called Walmore Common in the Parish of Westbury on Severn, and The Bearce Common in the Parish of Saint Briavels, should be repealed, and that the Inclosure Commissioners for England and Wales should be empowered to make such Allotment or Inclosure of the same Commons as is herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13th Section of General Inclosure Act repealed so far as relates to Walmore and Bearce Commons.

1. The said Thirteenth Section of the said General Inclosure Act of 1845 shall, so far as relates to the said Walmore Common and Bearce Common, be repealed; and the said General Inclosure Act and all the other Acts for the Inclosure, Exchange, and Improvement of Land, and all other Acts of Parliament whatsoever, shall and may be read and acted on as though the said Commons had not been included in the said Thirteenth Section of the said first-mentioned Act.

Inclosure Commissioners to appoint Valuer and fix his Remuneration.

Valuer to ascertain the Boundaries of the Commons and ascertain and settle Claims, and to make an Allotment to Her Majesty.

2. With respect to each of the said Commons, it shall be lawful for the Inclosure Commissioners for England and Wales, if they shall think fit, on the Request of the Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being having charge of the said Forest of Dean, and without any Request or Consent of any other Person, to appoint some competent Land Surveyor to act as Valuer for the Purposes of this Act, and to fix the Amount of Remuneration to be paid to such Valuer, and such Valuer shall forthwith apply to the said Commissioners to ascertain the Boundaries of such Commons, and shall proceed to ascertain and determine the Persons interested therein and all Claims relating thereto; and he shall allot and award in manner prescribed by the said Acts for the Inclosure, Exchange, and Improvement of Land, or as near thereto as the Circumstances of the Case will admit of, unto Her Majesty, Her Heirs and Successors, so much of such Common, together with all such Roads and Ways, Drains and Embankments, as shall be necessary for the Use and Enjoyment and Protection of the Land so allotted and awarded as shall be a just Equivalent (Quantity and Value considered) for all the Estate and Forestal and other Rights of Her Majesty, Her Heirs or Successors, in, to, or out of such Common, and for the Expenses of such Allotment and Award (which are to be defrayed out of the Revenues of the said Forest of Dean as herein-after mentioned), such Rights nevertheless to be estimated exclusively of the Rights and Interests of Her Majesty, Her Heirs and Successors, in and to the Mines and Minerals in or under such Common; and the Land so allotted and awarded shall from and after the Completion of the Award in manner prescribed by the said Acts for the Inclosure, Exchange, and Improvement of Land remain vested in Her Majesty, Her Heirs and Successors, freed and discharged from all

Rights of Common and other Rights whatsoever, save and except the lawful Rights of Free Miners in the Forest of Dean and Hundred of Saint Briavels and those claiming under them to existing or future Gales of Coal or Iron (if any) in or under the same.

Commissioners of Woods may dispose of Crown Allotment.

3. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to sell, exchange, or otherwise dispose of and to convey the Lands so allotted or any Part of the same, if and as they shall think fit, and to exercise the same Powers over and in respect of the same as they are or may be authorized by Law to exercise over other Lands belonging to Her Majesty in right of Her Crown not being Part or Parcel of any Royal Forest, Park, or Chase in England.

Residue of Common disafforested.

4. From and after the Completion of any such Allotment and Award the Residue of the Common out of which such Allotment shall have been made shall be disafforested, but shall remain subject to all the same Rights, Estates, and Privileges as the whole of the same Common was subject to prior to such Allotment and Award, except such Estate and Forestal and other Rights of Her Majesty as by such Award shall be declared to be extinguished; and the said Award shall for all Purposes be conclusive as to the Persons entitled to any such Rights, Estates, or Privileges, except as to Rights or Privileges to or regarding Mines and Minerals; and the Soil of such Residue shall vest in Fee Simple in such Trustees as the said Inclosure Commissioners shall, by Writing under their Seal, from Time to Time appoint for that Purpose, nevertheless in trust for the Persons entitled thereto or interested therein, according to the Provisions of this Act.

Commissioners to defray Expenses out of Revenues of Forest of Dean.

5. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall defray all the Expenses of any such Allotment and Award as aforesaid out of any Moneys in their Hands forming Part of the Revenues of the said Forest of Dean.

Special Powers not to affect ordinary Powers of Inclosure Commissioners to inclose Entirety of said Commons.

6. The special Powers herein contained shall not be deemed to alter or affect the ordinary Powers of the said Inclosure Commissioners for England and Wales to inclose the Entirety of the said respective Commons under the said Acts for the Inclosure, Exchange, and Improvement of Land and this Act.

Dean Forest (Walmore and The Bearce Commons).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and The Bearce Common, and for authorizing Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons.

(Prepared and brought in by
Mr. Childers and Mr. William Cowper.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1866.

[Bill 182.]

Under 1 *oz.*

A

BILL

INTITULED

An Act further to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.

WHEREAS by the Act passed in the Session of Parliament holden in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled "An Act "to amend the Laws relating to Divorce and Matrimonial Causes "in England," it is by the Thirty-second Section enacted, "that "the Court may, on pronouncing any Decree for a Dissolution of "Marriage, order that the Husband shall to the Satisfaction of the "Court secure to the Wife such gross or annual Sum of Money as "to the Court may seem reasonable, and for that Purpose may "refer it to One of the Conveyancing Counsel of the Court of "Chancery to settle and approve of a proper Deed to be executed "by all necessary Parties:" 20 & 21 Vict. c. 85.

And whereas it sometimes happens that a Decree for a Dissolution of Marriage is obtained against a Husband who has no Property on which the Payment of any such gross or annual Sum can be secured, but nevertheless he would be able to make a monthly or weekly Payment to the Wife during their joint Lives:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Monthly or weekly Payments to Wife from Husband on Dissolution of Marriage.

1. In every such Case it shall be lawful for the Court to make an Order on the Husband for Payment to the Wife during their joint Lives of such monthly or weekly Sums for her Maintenance and Support as the Court may think reasonable: Provided always, that if the Husband shall afterwards from any Cause become unable to make such Payments it shall be lawful for the Court to discharge or modify the Order, or temporarily to suspend the same as to the whole or any Part of the Money so ordered to be paid, and again to revive the same Order, wholly or in part, as to the Court may seem fit.

In Cases of Opposition on certain Grounds.

2. In any Suit instituted for Dissolution of Marriage, if the Respondent shall oppose the Relief sought on the Ground in case of such a Suit instituted by a Husband of his Adultery, Cruelty, or Desertion, or in case of such a Suit instituted by a Wife on the Ground of her Adultery or Cruelty, the Court may in such Suit give to the Respondent, on his or her Application, the same Relief to which he or she would have been entitled in case he or she had filed a Petition seeking such Relief.

Decree Nisi not absolute till after 6 Months.

3. No Decree Nisi for a Divorce shall be made absolute until after the Expiration of Six Calendar Months from the pronouncing thereof, unless the Court shall under the Power now vested in it fix a shorter Time.

Divorce and Matrimonial Causes.

A

BILL

INTITULED

An Act further to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.

(*Brought from the Lords* 12 *March* 1866.)

Ordered, by the House of Commons, *to be Printed*,
13 *April* 1866.

[Bill 102.]

Under 1 *oz.*

A

B I L L

TO

Extend the Duration of The Dockyard Extensions Act (1865).

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Powers under 28 & 29 Vict. c. 51.

1. The Power conferred by The Dockyard Extensions Act, 1865, on the Commissioners for executing the Office of Lord High Admiral shall be and the same is hereby continued until *the End of the Session of Parliament next after the present Session;* and the said Act shall accordingly be construed as if the End of the Session of Parliament next after the present Session had been mentioned in Section One of that Act, instead of the Thirty-first Day of March One thousand eight hundred and sixty-six.

Short Titles. 29 & 30 Vict. c. 27.

2. The said Act, and the Act of the present Session (Chapter Twenty-seven) amending the same, and this Act, may be cited together as The Dockyard Extensions Acts, 1865 and 1866.

Dockyard Extensions.

A

BILL

To extend the Duration of The Dockyard Extensions Act (1865).

(*Prepared and brought in by*
Sir John Pakington and Lord Henry Lennox.)

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1866.

[Bill 246.]

Under 1 *oz.*

Dockyard Extensions Act Amendment.

A

BILL

TO

Amend The Dockyard Extensions Act, 1865.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Time under former Act.

1. The Dockyard Extensions Act, 1865, shall be construed as if the Date of the *Thirtieth Day of June One thousand eight hundred and sixty-six* had been inserted in Section One of that Act instead of the Date of the Thirty-first Day of March One thousand eight hundred and sixty-six.

Short Titles.

2. The said Act and this Act may be cited as The Dockyard Extensions Acts, 1865 and 1866.

[Bill 77.]

Dockyard Extensions Act Amendment.

A

B I L L

To amend The Dockyard Extensions Act, 1865.

(Prepared and brought in by
Lord Clarence Paget and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1866.

[Bill 77.]

Under 1 *oz.*

A

B I L L

TO

Render Owners of Dogs liable for Injuries done by their Dogs.

WHEREAS it is expedient to amend the Law as to the Liability of the Owners of Dogs for Injuries done by their Dogs: **Preamble.**

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Owner of Dog to be liable for Damages for any Injury committed by his Dog.

1. The Owner of every Dog shall be liable in Damages for any Injury done by his Dog to the Person or Property of any other Person, and it shall not be necessary for the Party seeking Damages for the Injury done by a Dog to his Person or Property to show a previous mischievous Propensity in such Dog, or the Owner's Knowledge of any such mischievous Propensity, or that the Injury was attributable to Neglect on the Part of such Owner.

Damages not exceeding *5l.* to be recovered by summary Proceeding before Magistrates.

2. When the Amount of Damages shall not exceed *Five Pounds* the same shall be recoverable in a summary Way in England under the "Summary Conviction and Order (England) Act, 1848," [11 & 12 Vict. c. 43.,] in Ireland under the "Petty Sessions (Ireland) Act, 1851," and in Scotland under the "Summary Procedure (Scotland) Act, 1864," or any Acts amending the same.

3. The

Who shall be deemed to be the Owner of the Dog.

3. The Occupier of any House or Premises where any Dog shall be kept or permitted to live or remain at the Time of such Injury shall be deemed to be the Owner of such Dog, and shall be liable as such, unless the said Occupier can prove that he was not the Owner of such Dog at the Time the Injury complained of was committed, and that such Dog was kept or permitted to live or remain in the said House or Premises without his Sanction or Knowledge: Provided always, that where there are more Occupiers than One in any House or Premises let in separate Apartments, or Lodgings, or otherwise, the Occupier of that particular Part of the Premises in which such Dog shall have been kept or permitted to live or remain at the Time of such Injury shall be deemed to be the Owner of such Dog.

Dogs.

A

B I L L

To render Owners of Dogs liable for
Injuries done by their Dogs.

(*Prepared and brought in by*
Sir Colman O'Loghlen, Mr. Lusk, and
Mr. Stacpoole.)

Ordered, by The House of Commons, *to be Printed,*
6 *June* 1866.

[Bill 181.]

Under 1 *oz.*

A

BILL

TO

Secure the Repayment of Public Moneys advanced for the Drainage and Improvement of Lands and other like Objects in Ireland.

WHEREAS, under and by virtue of a certain Act of the Session of the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, being an Act to promote the Drainage of Land and Improvement of Navigation and Water Power in connexion with such Drainage in Ireland, and certain Acts amending the same, and of a certain other Act of the Session held in the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-two, being an Act to facilitate the Improvement of Landed Property in Ireland, and of the several Acts amending and extending the Provisions of the said Acts respectively; and under and by virtue of a certain Act, being the "Drainage and Improvement of Lands Act (Ireland), 1863," and certain other Acts of the Session of the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Seventy-two, and of the Session of the Twenty-eighth and Twenty-ninth Years of Her Majesty, Chapter Fifty-two, for amending the Provisions of the said last-mentioned Act; and under and by virtue of a certain Act of the Session of the Ninth Year of Her Majesty, Chapter Three, being an Act to encourage the Sea Fisheries of Preamble.

of Ireland, by promoting and aiding with Grants of Public Money for Construction of Piers, Harbours, and other Works, and the Acts amending the same, Provision is made for the Advance of Public Moneys for the Drainage and Improvement of Lands and Estates, and to aid in the Construction of Public Works in Ireland, and for the securing all such Advances by charging the same on the Lands, Estates, and Interests of Proprietors and others, and in priority to other Charges and Incumbrances, as in the said several Acts is particularly provided; and by certain of the said Acts it is enacted that such Charges should have Priority from the Registration in the Registry of Deeds Office of Ireland of certain Orders of the Commissioners of Public Works in Ireland thereby directed to be so registered:

And whereas divers Sums of Public Moneys have been already advanced for such Purposes, and on such Security, and it is intended that further Sums will be hereafter advanced for the like Purposes and upon the like Security:

And whereas Acts of Parliament may be hereafter passed providing for the Advances of Public Moneys for the like and other Purposes, and on the like Security:

And whereas in the Session of the Twenty-eighth and Twenty-ninth Years of Her Majesty an Act was passed, called the "Record of Titles Act (Ireland), 1865," and thereby Provision is made for the recording of Titles to Lands sold and conveyed, or the Title to which may be declared by the Landed Estates Court in Ireland; and it is thereby enacted that, subject as therein mentioned, the recorded Owner for the Time being shall be and be deemed to be absolutely and indefeasibly possessed of and entitled to such recorded Estate against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors; provided always, that nothing therein contained should prejudice or affect any Rentcharge in lieu of Tithe, or any Crown Rent or Quit Rent to the Crown, or any Charge imposed before the Day of the passing of that Act under any Public Act or Acts for promoting Drainage or Land Improvement in Ireland; and it is also thereby enacted, that the Provisions of the several Acts of Parliament then in force relating to the Registry of Deeds in Ireland should cease to be applicable to any Land when placed on the Record under the Provisions of that Act, and so long as it remains thereon:

Section 12.

Section 16.

And whereas it is apprehended that the Provisions of the said "Record of Titles Act" will operate to extinguish or endanger and postpone in many Instances Charges created to secure the Repayment of Public Moneys advanced under the said Acts when such Moneys may have been or may be advanced after the passing of the said "Record of Titles Act" and otherwise; and Difficulties have arisen and may arise as to the Registration of such Orders as aforesaid, when such Orders may have been or may be made with respect to Lands, the Title to which has been or may hereafter be recorded; and it is expedient fully to provide for the Repayment of Public Money advanced for the Improvement of Lands and other the like Objects, and for that Purpose to amend the Sixty-second Section of the Act of the Session held in the Twenty-first and Twenty-second Years of Her Majesty, being an Act to facilitate the Sale and Transfer of Land in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Public Moneys advanced to be charged and chargeable as if Record of Titles Act had not been passed.

1. That in all Cases where Public Moneys have been or may hereafter be advanced under and by virtue of the Provisions of the said Acts, or any of them, or by virtue of any Act which may be hereafter passed for the like Purpose, the said Moneys so advanced shall be charged and chargeable on all Lands and Estates, and Interest in Lands, and on all Persons and Bodies whatsoever, in the same Manner and in the same Priority, and shall be recoverable by the same Means in all respects as if the said "Record of Ritles Act (Ireland), 1865," had not been passed.

Orders made and directed to be registered, shall be registered, though such Order may affect Lands recorded under the Record of Titles Act.

2. Every Order made or to be made by the Commissioners of Public Works in Ireland, and by any of the said Acts directed to be registered in the Registry of Deeds Office in Ireland, shall be registered in the said Office, although such Order affect or purport to affect Lands in Ireland the Title of which may be recorded under the said "Record of Titles Act;" and every such Order shall be also registered in the Record of Title Office as against any Lands recorded therein and affected or purporting to be affected by such Order.

Sect. 62. of 21 & 22 Vict. c. 72. to extend to all Charges under Acts for Advance of Public Money on Lands in Ireland.

3. The Sixty-second Section of the said Act to facilitate the Sale and Transfer of Land in Ireland shall apply to and include all Charges made or to be made by virtue of any Act authorizing the Advance of Public Money upon the Security of Lands in Ireland.

Drainage and Improvement of Lands (Ireland).

A

BILL

To secure the Repayment of Public Moneys advanced for the Drainage and Improvement of Lands and other like Objects in Ireland.

(Prepared and brought in by
(Mr. Childers, Mr. Chichester Fortescue, and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
20 *April* 1866.

[Bill 117.]

Under 1 *oz.*

A

BILL

TO

Confirm a Provisional Order under The Drainage and Improvement of Lands Act (Ireland), and the Acts amending the same.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of " The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the Provisional Order contained in the Schedule to this Act annexed; and it is by the first-mentioned Act provided that no such Orders shall be of any Validity whatsoever until they shall be confirmed by Parliament; and it is expedient that said Order should be so confirmed: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act. Provisional Order in Schedule confirmed.

2. This

Short Title. **2.** This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1866."

SCHEDULE to which this Act refers.

Drainage and Improvement of Lands Act (Ireland), 1863.
26 & 27 Vict. c. 88., 27 & 28 Vict. c. 72., and 28 & 29 Vict. c. 52.

In the Matter of the Connell Drainage District in the County of Kildare.

Whereas certain Proprietors of and Persons interested in the Lands upon and adjacent to the Connell Stream or River on or about the Thirtieth Day of January One thousand eight hundred and sixty-five presented their Petition to the Commissioners of Public Works in Ireland, under the Provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, accompanied by the proper Schedules, Maps, Plans, Sections, and Estimates, together with other Particulars and Information required by the said Act, showing, by reference to the said Maps, the Boundaries and Area of the proposed Drainage District, and stating the Exigencies rendering the Formation of such Drainage District necessary, and praying that said Lands within the proposed District should be constituted a separate Drainage District under the Provisions of the said Acts: And whereas the said Commissioners referred the same to Samuel U. Roberts, Esq., Civil Engineer, an Inspector duly appointed under the said Acts: And whereas all Notices and Inquiries required by the said Act have been duly given and made, and the said Inspector has duly reported to us, the said Commissioners, in Writing, the Result of his Inquiries, and we, the said Commissioners, have duly considered the same: And whereas no Objection to the said Report has been made to us: And whereas all Preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with: And whereas we, the said Commissioners of Public Works in Ireland, upon Consideration of the Premises, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts in Value of the Lands in the proposed District are in favour thereof, and have subsequently to the Date of the Report of the said Inspector assented thereto in Writing: Now, therefore, in pursuance of the Power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do by this Provisional Order, under our Common Seal, constitute the Area in the said Petition and Report, and the Boundaries and Extent of which are set forth within Yellow Lines on the Map to which we have caused our Common Seal to be attached (and which Map is deposited in the Office of Public Works in Ireland), a separate Drainage District by the Name of "The Connell Drainage District:" And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the Time for the Completion of the necessary Works in the said District shall be limited to the First Day of November which will be in the Year One thousand eight hundred and sixty-seven.

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Five Members:

That the following Persons shall be the Members of the First Drainage Board; viz.—

1. Walter Hurley of Old Connell House, Esquire,
2. Hugh Kelly of Great Connell, Esquire,
3. Eyre Powell of Great Connell, Esquire,
4. James Coffey of Tiercross, Esquire,
5. And George P. L. Mansfield of Morristown Latten, Esquire,

All in the County of Kildare.

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in the Dublin Gazette, and some Newspaper generally circulated in the said District at least Fourteen Days next before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be that he shall be the Proprietor, as defined by the said Act, and the Acts referred to therein or incorporated therewith, of not less than Twenty Acres of Land situate within the Area of the said District, or the Land Agent for Time being of a Person being a Proprietor as aforesaid of not less than One hundred Acres of Land situate within the Area of said District, and acting as Receiver of the Rents and Profits of such Lands:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following the Date of this Provisional Order:

That the Electors for Members of the Drainage Board shall be the Persons in that Behalf mentioned in the said last-mentioned Act: Provided always, that no such Elector shall be entitled to vote, or exercise any Privilege as such, unless the Lands of which he is the Proprietor, or some Portion thereof, shall be rateable on account of the Works in the District, and he shall have previously paid all Rates or Arrears of Rates which may be payable by him in respect of any Drainage Rate for the aforesaid District.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our Common Seal to be affixed, this Twenty-ninth Day of March One thousand eight hundred and sixty-six.

E. Hornsby, (Seal.)
Office of Public Works, Dublin. Secretary.

Drainage and Improvement of Lands Act (Ireland) Provisional Order.

A

BILL

To confirm a Provisional Order under The Drainage and Improvement of Lands Act (Ireland), and the Acts amending the same.

(*Prepared and brought in by Mr. Hunt and Lord Naas.*)

Ordered, by The House of Commons, *to be printed,*
17 *July* 1866.

[Bill 216.]

Under 1 *oz.*

A

BILL

TO

Provide for the better Maintenance of Works executed under the Acts for the Drainage of Lands in Ireland.

WHEREAS by an Act of Parliament of the Session held in the Fifth and Sixth Years of Her Majesty the now Queen, Chapter Eighty-nine, and by certain other Acts amending or varying the Provisions of the same, Provision is made for the Appointment of Trustees for the Maintenance of Drainage Works executed under the Powers of the said Acts, and for the charging and levying such Sums as may be necessary for the Maintenance and Conservancy of such Works: And whereas large Sums of Public Money have been advanced and expended in the Drainage and Improvement of Lands under the Provisions of the said Acts, and the Lands so drained and improved form the Security for Repayment of such Advances: And whereas it is frequently found that Lands improved by such Drainage Works are allowed to be injuriously affected by reason of the insufficient Maintenance of such Works; and the Trustees of the Districts in which such Lands are included neglect in many Instances to maintain or repair the said Works, and to take such Proceedings as may be necessary to secure the Lands in the District against Deterioration arising from such Preamble.

Neglect, and by reason thereof the said Lands are prejudicially affected as to the Security for the Repayment of such Expenditure, and no efficient Remedy in such Cases is provided by the said Acts: And whereas an Act was passed in the Session of Parliament held in the Twenty-sixth and Twenty-seventh Years of the Reign of Her Majesty the now Queen, Chapter Eighty-eight, being "An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in "Ireland;" and Provision is by the said Act and the Acts since passed amending the same made for the Advance of Public Monies to Drainage Boards constituted under the said last-mentioned Acts to be expended upon the Drainage and Improvement of Lands within their respective Districts, and to be secured upon such Lands; and Provision is also thereby made for Maintenance of the Works constructed by such Drainage Boards by means of Rates assessed upon the Lands within such Districts, and the Proprietors thereof, according to the Proportions specified in the Awards in the said last-mentioned Act mentioned: And whereas the Advantages to be derived from Works of Drainage are dependent upon the proper Maintenance of such Works: And whereas it is apprehended that Difficulty may be experienced in enforcing the future Maintenance of the Works so constructed by such Drainage Boards, and it is expedient that further Provision should be made for the Maintenance of all such Drainage Works executed under the Provisions of the said Acts, or any of them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the Drainage Maintenance Act, 1866.

Persons may apply and take Steps.

2. Where the Lands of any Person being a Proprietor or Lessee thereof shall be or shall have been subject to any Charge for the Drainage of any District under the Provisions of the said Acts, or any of them, or to any Rates or Assessments for the Maintenance of the Drainage Works in the same District, and the same Lands shall be injuriously affected owing to the insufficient Maintenance of the said Drainage Works, it shall be lawful for such Person to take such Proceedings as are herein-after directed.

Such Person to give Notice to Trustees or Drainage Board.

3. Any such Person or Complainant shall and may serve a Notice in Writing, signed by himself or his authorized or known Agent, upon the Trustees or Drainage Board, as the Case may be, for the Time being of such District, or any Two or more of them, or their Clerk or other Officer (if any such shall be appointed), setting forth the particular Lands alleged to be injured, and the particular Defects arising from the Neglect or Insufficiency of the proper Maintenance of such Drainage Works to which Injury shall be alleged to be attributable, and calling upon the said Trustees or Drainage Board forthwith to cause such Defects to be remedied or supplied: Provided always, that in case such Complainant shall be unable to effect Service of such Notice in manner as aforesaid, it shall be lawful for him to publish the same not less than Three Times in some Newspaper circulating in such District, and such Publication shall be deemed equivalent to such Service as hereinbefore is mentioned.

In case the Trustees or Drainage Board neglect, Complainant to apply to the Commissioners of Public Works.

4. In case the said Trustees or Drainage Board shall, for the Space of *Fourteen Days*, neglect to comply with the Terms of such Notice, it shall be lawful for such Complainant to present a Memorial to the Commissioners of Public Works in Ireland, stating the Neglect of such Trustees or Drainage Board in the proper Maintenance of such Works, the Nature of the Injury and Defect arising from such Neglect, and the Purport or Contents of such Notice as aforesaid, and the Date or Dates of the Service, or of such Publication as aforesaid of the same, and showing the particular Nature of the alleged Neglect or Default of the said Trustees or Drainage Board.

The Commissioners to consider Memorial.

5. The Commissioners shall consider such Memorial and the Subject thereof, and shall and may, if they shall think fit so to do, appoint an Engineer or other competent Person to inspect and report upon the Subject of such Memorial and the State of the Works in any such District, and, if necessary, to furnish a Specification and Estimate of the probable Cost of the necessary Repair of such Works, and a Copy of such Report, or the Purport thereof, shall be furnished to the said Trustees or Drainage Board, or their Clerk or other Officer; or the Commissioners may cause the same, or the Purport thereof, to be published not less than Three Times in some Newspaper as aforesaid, and shall and may at the same Time, by Notice served or published as aforesaid, call upon such Trustees or Drainage Board, within such Period as shall be therein appointed (not less than One Fortnight from the Date of the Service or publication of such Notice), to show cause why the Provisions of this Act should not be put in force with respect to the Matters complained of.

The Commissioners to make an Order.

6. The Commissioners shall take into their Consideration all such Matters (if any) as shall be submitted to them by the said Trustees or Drainage Board, and shall make, or cause to be made, such Inquiries with reference to the Premises as they may deem expedient, and shall and may, if they think fit, make an Order under their Common Seal, declaring that the Works of Maintenance and Repair therein specified ought to be forthwith executed pursuant to the Provisions of this Act; and thereupon it shall be lawful for the Commissioners to proceed to carry out such Works of Repair and Maintenance as they may consider necessary.

Commissioners may appoint a Superintendent.

7. The Commissioners may appoint some fit and proper Person to be the Superintendent for the Execution of such Works; and so from Time to Time, as Occasion may require, the Commissioners may appoint some other proper Person to be such Superintendent in the place of any Person so originally appointed who may die, or refuse, or become incapable to act, or whom the Commissioners may think fit to remove and supersede; and the Commissioners, by any such Order, may fix and declare a proper Salary or Remuneration to be paid to such Superintendent.

Complainant to pay preliminary Expenses.

8. The Commissioners, if they shall think fit, and before the making of any such Order, may require any Complainant as aforesaid to pay or secure to them such Sum of Money as shall be sufficient to defray any preliminary Expenses to be incurred by the Commissioners in relation to such Complaint.

The Powers of the Commissioners to carry out Works.

9. The Commissioners shall possess all such Powers and Authorities for the Purpose of executing the Works to be by them executed as by any of the Acts herein-before mentioned or referred to are conferred on the Trustees of any Drainage District or on any Drainage Board as aforesaid.

Expenses to be charged to the District.

10. The Expenses of the said Works so to be constructed, and including all Costs and Charges properly incurred by the Complainant or the Commissioners in and about the obtaining and making such Order or Orders as aforesaid, or preliminary or consequential thereto, and the Salary or Remuneration of such Superintendent as fixed and determined by the Commissioners, shall be charged as herein-after provided.

The Commissioners may make an Order declaring the Amount expended.

11. The Commissioners shall and may upon Completion of such Works, or such Part thereof as they may think proper and necessary, make an Order declaring amongst other Things that the Amount mentioned in such Order is and shall be charged upon the Lands in such District and the Proprietors thereof respectively; and in such Order the Commissioners shall state and declare the Time when the

Amount mentioned in any such Order shall be paid to the Commissioners, the Parties by whom, and the respective Proportions in which, such Amount shall be paid, the Commissioners in making such Order having regard to the final Award in the District for which such Order shall be made, so far as any Change of Circumstances in each Case may admit; and the Commissioners may also insert in any such Order all such other Determinations, Matters, and Things as they may think necessary and proper, and such Order shall be called the Charging Order.

Power to make further Order.

12. And in case the Amount of Money mentioned in such Order as aforesaid shall be found insufficient for the Purposes aforesaid, and of all Expenses incidental to the Execution of the said Works, it shall be lawful for the Commissioners, by any further Order as aforesaid, from Time to Time to order and declare such further Sum as they shall think fit to be charged on the said District for the Purpose of the said Works and the Expenses incidental thereto; and thereupon such further and additional Amount shall be deemed and taken to be Part of the Amount charged by such original Order as aforesaid, and rated and recovered accordingly.

The Commissioners to make Advances.

13. It shall be lawful for the Commissioners, if they deem it expedient, out of any Monies under their Control and applicable to Loans, and with the Sanction of the Lords Commissioners of Her Majesty's Treasury, to advance the Sum mentioned in any such Order or Orders made by the Commissioners, as herein-before provided, to be expended on the Repair and Maintenance of such Works.

The Amount to be charged on Lands in the District.

14. The Amount mentioned in any such Order, with Interest on any Sum so advanced, at a Rate not exceeding *Five Pounds per Cent.* per Annum from the Date of such Advance until Repayment thereof, shall thereupon become charged upon the Lands in the said District and the Proprietors thereof respectively, in like Manner and in the same Priority as Maintenance Rates imposed by virtue of the aforesaid Acts or any of them; and the said Proprietors and their Lands respectively shall be assessed, rated, and taxed therewith in the Proportions mentioned in the Order of the Commissioners in like Manner in all respects as any Sums of Money could have been rated and assessed by the Trustees or Drainage Board of any Drainage District for the Maintenance of the Works within the same, by virtue of the Provisions of the aforesaid Acts or any of them.

If Amount not paid Parties and

15. In addition to all and every the Sums which by any Order of the Commissioners shall be fixed and determined as payable in respect

Lands to be liable to 1*s.* in the Pound Receiver's Fees.

respect of any of the Lands under the Provisions of this Act, and the Interest on such Sums, there shall be paid to the Commissioners *One Shilling* in the Pound on the total Amount of the same respectively as and for Receiver's Fees thereon, to be charged, payable, and recoverable in like Manner as such Sums and Interest aforesaid: Provided always, that no Party or Person, or the Lands or Property of such Party or Person, shall be liable to such additional Charge, who shall, within *Thirty-one* Days next after the Time appointed by any such Order for Payment of any such Sum and Interest as aforesaid, pay the Amount thereof to the Credit of the Commissioners into the Bank of Ireland, or into such other Bank as the Commissioners may for that Purpose appoint.

Recovery of Monies.

16. The Commissioners, for the Purpose of assessing such Sum of Money as aforesaid, and for the Recovery of the same, shall possess the same Remedies against the same Lands and Persons, and the same Powers, Rights, and Privileges, as are or would be possessed by any Trustees or Drainage Board of any District, for the Purpose of assessing and recovering any Sums of Money rated and assessed by them for the Maintenance of the Works in such Districts, including a Right to recover such Rates and Charges for Maintenance by Civil Bill from the Person or Persons for the Time being in possession or in receipt of the Rents and Profits of Lands as Proprietors in respect of which such Rates or Charges shall be payable.

Act 1863, s. 60.

Power to appoint a Collector.

17. It shall be lawful for the Commissioners, if they shall consider it necessary so to do, by Warrant, to appoint any Person to be the Collector of such Rates or Charges; and in case any Person from whom such Rates or Charges shall be recoverable as aforesaid shall not pay the same to such Collector when demanded, then and in such Case such Collector shall leave at the Dwelling House or last Place of Abode of such Person a Notice in Writing, subscribed with the Name and Place of Abode of such Collector, requiring Payment of such Rate or Charge within *Six Days* from the Date of such Notice, and expressing that within *Six Days* the same may be paid to the Collector at his House or Office; and if the same shall not be paid within such Period of *Six Days*, then it shall be lawful for the said Collector to levy the same by Distress and Sale of the Goods of such Person wherever such Goods may be found; and the Proceeds of such Distress or Sale shall be applied in Payment of the Expenses of such Distress and Sale, and in the next place in Payment of such Rate, and the Residue shall be paid to the Owner of such Goods.

18. It

Commissioners may cause Inspection of Works and make the necessary Repairs.

18. It shall be lawful for the Commissioners from Time to Time to cause Inspection to be made by some Engineer or other competent Person of the Works executed in any District under the said Acts or any of them; and if it shall appear from the Report of the Person so appointed that the Works in any such District have not been kept and maintained in good Order, Repair, and Condition, so as in the Opinion of the Commissioners to be fit and proper for their intended Purposes, or that any sudden Breach or Damage has occurred to any Embankment or other Work in any such District, it shall be lawful for the Commissioners to cause a Notice, addressed to the Trustees or Drainage Board of such District, to be served or published as herein-before is directed, calling upon them to execute such Works as in the Opinion of the Commissioners the Circumstances of the Case shall render necessary (and the Nature of which shall be stated in such Notice) within such Period as shall be therein mentioned, and informing them that in default thereof such Works will be executed by the Commissioners pursuant to the Provisions of this Act; and in case such Works shall not be executed in accordance with the Terms of such Notice, it shall be lawful for the Commissioners, by and with the Sanction of the Lords Commissioners of Her Majesty's Treasury, to make and execute all such Works as they may consider necessary and proper for the due and efficient Repair of such Works, and for the Purposes aforesaid the Commissioners shall possess all the Powers so herein-before expressed to be conferred upon the Trustees of any Drainage District or any Drainage Board as aforesaid; and the Commissioners, after the Completion of such Works, shall make an Order declaring the Amount expended by them in such last-mentioned Works, including the Expense of any preliminary Survey as aforesaid, and of any Superintendent appointed by the Commissioners, and declaring that such Amount, together with Interest thereon from such Date as in such Order shall be mentioned, shall be charged on the Lands and Proprietors in such Districts, and such Order shall have the like Effect in all respects, and all the Provisions of this Act shall apply thereto in like Manner as if the same were an Order of the Commissioners made in pursuance of the Provisions herein-before contained, and called a Charging Order.

Order to be Evidence.

19. Any Order purporting to be made by the Commissioners by virtue of this Act, or any Copy thereof sealed by the Commissioners, shall be conclusive Evidence in all Courts of Justice and elsewhere that all the Preliminaries required by this Act in order to the due making of such Order have been duly complied with, and that the Superintendent in such Order named has been duly appointed, and that all and every the Sums of Money in such Order mentioned have been duly charged on the Lands in such District, pursuant to the Provisions of this Act; and any Certificate of the Commissioners stating that any Monies therein mentioned have been advanced or expended under the Provisions of this Act, shall be in like Manner conclusive Evidence that such Monies have been so advanced or expended.

Commissioners to be a Corporation.

Proceedings to be taken by them as such.

20. The Commissioners of Public Works shall be a Corporation for the Purposes of this Act, with perpetual Succession and a Common Seal; and all Actions and other Proceedings to be taken for the Purpose of recovering any Sums charged, rated, or assessed by virtue of this Act, shall be taken by the said Commissioners so incorporated; and all Costs, Charges, and Expenses properly incurred in and about the same shall be deemed Part of the Expenses incidental to the said Works to be executed as aforesaid.

Orders or Warrants may be sealed by the Commissioners.

21. All Orders, Warrants, or Certificates made by the Commissioners under this Act shall be under the Seal of the Commissioners.

Penalty for obstructing or injuring Works.

22. Any Person who obstructs any Person in making any of the Drains, or Improvements in Drains, made and executed under any of the Acts herein-before mentioned or referred to, or in this Act, and any Person who dams up, obstructs, or permits to be dammed up or obstructed, or in any way injure or permit to be injured, any Drains so opened or made, or injures or permits to be injured any of the Banks or other Works made or constructed in any such District, shall for each such Offence incur a Penalty not exceeding *Ten Pounds*, to be recovered in a summary Manner before Two or more Justices at Petty Sessions, and all such Penalties shall be paid to the Trustees or Drainage Board, as the Case may be, for the District in which such Offence may be committed.

Construction of Terms in this Act.

23. The Term "Commissioners" in this Act shall mean "the Commissioners of Public Works in Ireland;" and this Act shall be read and construed together with the said Act of the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts amending the same; and also with the said Act of the Twenty-sixth and Twenty-seventh Years of Her Majesty, Chapter Eighty-eight, and the Acts amending the same. The Definition of the Term "Proprietor" in the Act of Fifth and Sixth of Her Majesty, Chapter Eighty-nine, shall apply to this Act.

Drainage Maintenance (Ireland.)

A

BILL

To provide for the better Maintenance of Works executed under the Acts for the Drainage of Lands in Ireland.

(Prepared and brought in by Mr. Childers and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
9 *April*, 1866.

[Bill 95.]

Under 2 oz.

A

B I L L

TO

Make Provision for the Transfer of the Assets, Liabilities, and Management of the Bengal, Madras, and Bombay Military Funds, the Bengal Military Orphan Society, and other Funds, to the Secretary of State for India in Council.

WHEREAS certain Institutions known as the Bengal Military Fund, the Bengal Military Orphan Society, the Madras Military Fund, and the Bombay Military Fund, were established in India at different Times, under the Authority of the Honourable East India Company, for the Grant of certain Benefits to the Commissioned Officers of the said Company's Army who were Subscribers to those Institutions, and for the Grant of Pensions and other Allowances to the Widows and Orphans of such Officers, and those Institutions were supported by Donations and Subscriptions from the Officers of the said Company's Army and by certain Aids from the said Company: Preamble.

And whereas, by the Act of the Twenty-first and Twenty-second Victoria, Chapter One hundred and six, for the better Government of India, it was amongst other things provided that the Military and Naval Forces of the East India Company should be deemed to be the Indian Military and Naval Forces of Her Majesty, and should be entitled to the like Pay, Pensions, Allowances, and

Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company:

And whereas, in consequence of the Changes subsequently made in the Constitution of the Indian Army, Notice was given to the Government of India by the Secretary of State for India in Council that the said Secretary of State for India in Council was ready to assume the Liabilities of the said Institutions, so far as might be requisite to maintain existing Pensions, and to secure to the Subscribers and their Families the Benefits to which they were entitled therefrom, and also that, in the event of such Assumption, present Incumbents on and Subscribers to the several Funds should be guaranteed the Pensions and Allowances for themselves and their Families to which they were entitled from those Funds, according to the Regulations then in force, and at the Rates of Subscription then existing:

And whereas, under Instructions from the Secretary of State for India in Council, the Government of India caused the Question whether, under the Guarantee so given, the Assets and Liabilities of the said Institutions should be made over by the Directors and Managers thereof to the Secretary of State for India in Council, to be submitted for the Votes of the Subscribers to those Institutions, and the Proposition so to make over the Assets and Liabilities of the said Institutions was, in regard to each of the said Institutions, carried in the Affirmative by a large Majority of Votes:

And whereas, in order to avoid any Doubt that may hereafter arise in regard to the Legality of such Transfer, it is necessary to make Provision by Law for enabling the Directors and Managers of the said Institutions to transfer the Assets, Liabilities, and Management thereof to the Secretary of State for India in Council, and for enabling the said Secretary of State for India in Council to accept the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Secretary of State for India in Council may take and assume the Assets, Liabilities, and Management of certain Pension Funds in India.

1. It shall be lawful for the Directors and Managers of the said Institutions to make over the Assets, Liabilities, and Management thereof to the Secretary of State for India in Council, and for the Secretary of State for India in Council to take and assume the Assets, Liabilities, and Management thereof.

Rights of Incumbents and Subscribers maintained.

2. As soon as the said Assets, Liabilities, and Management shall be made over as aforesaid, and the Acceptance thereof by the Secretary of State for India in Council notified by the Government of India, every Person who shall be an Incumbent on or Subscriber to any of the said Institutions at the Date of such Notification shall be entitled from Time to Time to receive from the Revenues of India such Allowance to himself, and his Family shall be entitled to receive such Pension or Allowance after his Decease, as he or they may be entitled to by the Regulations of the said Institutions.

Power to take and assume the Assets, Liabilities, and Management of certain other Pension Funds by Consent of the Subscribers thereto.

3. And whereas it may be expedient that the Secretary of State for India in Council should have Authority in like Manner to accept the Transfer of the Assets, Liabilities, and Management of other Institutions, known as the Bengal Medical Retiring Fund, the Madras Medical Fund, and the Bombay Medical Retiring Fund, with the Consent of the Subscribers to the said Institutions respectively: It shall be lawful for the Managers or Trustees to make over the Assets, Liabilities, and Management of all or any of the said Funds, and for the Secretary of State for India in Council to take and assume the same, if at any Time hereafter it shall appear by a Vote, specially taken for the Purpose, that a Majority of not less than Three Fourths of the Subscribers to those Institutions are desirous of transferring them to the said Secretary of State for India in Council.

East India Military, &c. Funds Transfer.

A

B I L L

To make Provision for the Transfer of the Assets, Liabilities, and Management of the Bengal, Madras, and Bombay Military Funds, the Bengal Military Orphan Society, and other Funds, to the Secretary of State for India in Council.

(*Prepared and brought in by*
Mr. Dodson, Mr. Stansfeld, and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1866.

[Bill 75.]

Under 1 *oz.*

Ecclesiastical Commission Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Meaning of the Word "Commissioners."
2. Two Members of Estates Committee may execute certain Acts.
3. Three Church Estates Commissioners to be Joint Treasurers of the Ecclesiastical Commissioners.
4. Authorizing Exchanges between Ecclesiastical Corporations and the Ecclesiastical Commissioners.
5. Certain Payments and Conveyances and Assignments to be made by Instruments of Commissioners instead of Orders in Council.
6. Copies of such Instruments to be appended to Commissioners Annual Report.
7. Lambeth Library to be maintained by Ecclesiastical Commissioners.
8. The Lollards Tower and Cardinal Morton's Tower.
9. Commissioners may accept Conveyances of Lands, &c. for Annexation to Benefices, and appropriate Monies for the Purchase.
10. Orders in Council to be registered, and published in the London Gazette.
11. Power to Commissioners to apply Capital Monies to certain Purposes.
12. Provision as to Dilapidations on Episcopal Estates.
13. Further Provision as to Dilapidations on Episcopal Estates.
14. Arrangements how to be made.
15. The Lands of the Archdeaconry of Colchester to vest in the Commissioners on the next Avoidance or sooner with the Consent of the present Archdeacon.
16. The Commissioners to provide Six hundred Pounds a Year for the Archdeacon of Colchester, Three hundred Pounds a Year for the Archdeacon of Essex, and various Sums for certain Livings in the Diocese of Rochester.

Clauses.
17. Commissioners may assign certain Stipends to be payable out of Estates of Cathedral Churches, &c.
18. Repealing in part Section 12 of 4 & 5 Vict. c. 39. as to Rectory of Southwell.
19. Amendment of Section 8. of 28 & 29 Vict. c. 42.
20. Saving the Rights of the Chapter of Christ Church, Oxford, and Manchester.

A

B I L L

INTITULED

An Act to further amend the Acts relating to the Ecclesiastical Commissioners for England.

WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meaning of the Word "Commissioners."

1. The Word "Commissioners" where used in this Act shall mean the Ecclesiastical Commissioners for England, unless some other Commissioners shall be particularly designated.

Two Members of Estates Committee may execute certain Acts.

2. All Acts which the Estates Committee of the Commissioners are authorized by Law to do and execute or to complete may, after the passing of this Act, be done and executed or completed by any Two Members of such Estates Committee, being Church Estates Commissioners.

Three Church Estates Commissioners to be Joint Treasurers of the Eccle-

3. The Three Church Estates Commissioners shall be Joint Treasurers of the Corporation of the Ecclesiastical Commissioners for England, with the Powers and subject to the Provisions specified in the Fifth Section of the last-mentioned Act; and the Receipt of siastical Commissioners.

of any Two of such Treasurers, or of any One of them, with the counter Signature in the latter Case of the Accountant or the Assistant Accountant of the Ecclesiastical Commissioners for England shall be a good and sufficient Discharge for any Money due and payable to the said Commissioners.

Authorizing Exchanges between Ecclesiastical Corporations and the Ecclesiastical Commissioners.

4. If, after the Commissioners have effected the Endowment of any Archbishoprick or Bishoprick or of any Chapter with Lands or Hereditaments, it shall appear to such Commissioners that it would be beneficial to such Archbishoprick or Bishoprick or to such Chapter that any Part or Parts of such Lands or Hereditaments should be exchanged for any Lands or Hereditaments belonging to any other Archbishop or Bishop, or Chapter, or to the Commissioners, it shall be lawful to effect such Exchange with the Consent in Writing of every Archbishop or Bishop, or Chapter, thereby affected, and by the Authority of a Scheme passed by the said Commissioners, and an Order of Her Majesty ratifying the same: Provided always, that no such Exchange shall be made unless the Commissioners shall be satisfied of the reasonable Equality in Value of the Lands and Hereditaments so to be exchanged, and shall in such last-mentioned Scheme make a Statement to that Effect.

Certain Payments and Conveyances and Assignments to be made by Instruments of Commissioners instead of Orders in Council.

5. The Payments and Investments and also the Conveyances and Assignments of Lands, Tithes, and Hereditaments, which by the Sixty-seventh Section of the Act of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, and the Twelfth Section of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-four, it is contemplated should be made in aid of the Provision for the Cure of Souls in the Parishes and Places therein referred to, shall be made and appropriated under the sole Authority of Grants or Instruments under the Common Seal of the Commissioners, instead of under the Authority of Orders of Her Majesty in Council ratifying Schemes passed by the Commissioners; and every such Grant or Instrument shall be deposited in the Registry of the Diocese in which any Benefice to which the same relates is situate, but shall not be subject to Stamp Duty, and the Contents thereof shall be published in the London Gazette, and such Grant or Instrument shall not be effectual in Law until after such Publication.

Copies of such Instruments to be appended to Commissioners Annual Report.

6. The Commissioners shall append to every Report made by them to One of Her Majesty's Principal Secretaries of State, pursuant to Act of Parliament, Copies of all such Instruments as last aforesaid as shall have been passed by them during the Year to which such Report relates.

7. Whereas

Lambeth Library to be maintained by Ecclesiastical Commissioners.

7. Whereas there is in the Palace at Lambeth a Library, to which the Public have for a long Period had Access at certain Times and under certain Restrictions, the Cost of the Custody and Maintenance of which has been heretofore defrayed out of the gross Revenues arising from the Estates of the See of Canterbury: And whereas such Estates have now become transferred to the Ecclesiastical Commissioners for England: Be it enacted, That the Cost of the Maintenance of such Library, and of the Custody of the Books therein, may, if the said Commissioners think fit, by the like Authority, of a Scheme passed by the Commissioners and an Order of Her Majesty in Council ratifying the same, be defrayed out of the Rents and Profits of such Estates.

The Lollards Tower and Cardinal Morton's Tower.

8. Whereas certain Portions of Lambeth Palace, namely, the Lollards Tower and Cardinal Morton's Tower, are not necessary or useful for the Enjoyment by the Archbishops of Canterbury of the Palace as a Place of Residence, whilst it is expedient that they should be preserved as Monuments of historical and antiquarian Interest: Be it enacted, That the Costs of the Preservation as aforesaid of such Portions of Lambeth Palace shall, by the Authority herein-after mentioned, be defrayed out of the Rents and Profits of the Estates of the See of Canterbury in the Hands of the Commissioners, and the Archbishop of Canterbury for the Time being, his Executors, Administrators, Estate and Effects, shall be discharged from all Liability for or in respect of Dilapidations on the aforesaid Portions of the Lambeth Palace.

Commissioners may accept Conveyances of Lands, &c. for Annexation to Benefices, and appropriate Monies for the Purchase.

9. It shall be lawful for the Commissioners to take a Conveyance of, and hold without Licence in Mortmain, any Lands or Hereditaments which they may consider suitable and convenient for Annexation to any Benefice with Cure of Souls, and it shall also be lawful for the Commissioners, in any Case in which they hold any Cash or Stock for or on account of a Benefice, to appropriate such Cash or Stock to the Purchase of any Land to be so conveyed, and if and when the Commissioners may have inserted in any Conveyance so taken by them under the Authority of this Section a Declaration to the Effect that such Lands or Hereditaments are intended by the Commissioners to form Part of the Endowment of the same Benefice, and have affixed to such Conveyance the Corporate Seal of the Board, in such Case that Conveyance shall without any further Formality be effectual in Law for vesting in the Incumbent of such Benefice for the Time being the Estate and Interest acquired by such Conveyance, and every such Deed of Conveyance shall be deposited in the Registry of the Diocese in which the Benefice affected thereby shall be situate.

Orders in Council to be registered, and published in the London Gazette.

10. Every Order of Her Majesty in Council ratifying any Scheme passed by the Commissioners under this Act shall be registered in such Diocesan Registry or Registries as may be for that Purpose specified in such Order, and shall be published in the London Gazette, and shall be effectual in Law from and after the Date of such Publication.

Power to Commissioners to apply Capital Monies to certain Purposes.

11. Whereas by the Sixth Section of the Act of the Session of the Sixth and Seventh Years of the Reign of Her Majesty, Chapter Thirty-seven, it is provided that every Sum of Money received by the Commissioners in consideration of a Sale, Transfer, or Conveyance made under the Authority of that Act, and every Sum of Money received by them as the Fine or Foregift for the granting or renewing of any Lease shall be applied either in replacing the borrowed Stock referred to in such last-mentioned Section or in the Purchase of Lands or Hereditaments, or of some Estate and Interest therein: And whereas with a view to provide Capital Monies applicable in certain Cases to the Provision of Parsonage Houses and to the Purchase of Lands or Hereditaments in order to the Annexation thereof to Benefices with Cure of Souls, and with a view also to facilitate the Payment of such annual and other Sums as may be by Law due and payable by the Commissioners to certain Archbishops and Bishops and Deans and Chapters whose Estates may have become transferred to the Commissioners under the Authority of this Act or of other Acts relating to the Commissioners, it is expedient to amend the said Section: Be it enacted, That it shall be lawful for the Commissioners to carry over by such Instalments as herein-after mentioned to the Account of their Common Fund, and to apply and appropriate, as Part thereof, a total Sum not exceeding One Million Sterling, the Produce of Sales effected or to be effected under the Authority of the said last-mentioned Section.

Such Sum of One Million shall be so carried over to the said Common Fund by annual Instalments not exceeding One hundred thousand Pounds in any One Year, commencing with the Year One thousand eight hundred and sixty-six.

Provided also, that it shall not be lawful for the Commissioners to appropriate or pay out of Monies applicable to the Purposes of their Common Fund for, in, or towards the Provision of any Parsonage House (irrespective of the Cost of the Site) any larger Sum than One thousand five hundred Pounds.

Provision as to Dilapidations on Episcopal Estates.

12. No Archbishop or Bishop succeeding to a See shall have any Claim against his Predecessor therein, or against the Representatives of such Predecessor in respect of Dilapidations on the Estate forming the Endowment of such See, but all the Claims, Rights, Remedies, and Powers of Recovery which the Archbishop or Bishop so succeeding as aforesaid would legally have had as against his Predecessor or the Representatives of such Predecessor in respect of Dilapidations if this Act had not passed shall belong to and be possessed by the said Commissioners, and may be enforced and exercised on their Behalf by the Estates Committee, who shall pay due regard to any just and reasonable Claims for special Consideration which any Archbishop or Bishop so vacating his See, or his Representative, may appear to them to possess, on the Ground of the actual State of Repair of the Buildings on the Estate at the Time of its Transfer to him from the Commissioners: Provided always, that this Section shall not extend to the Case of any Dilapidations occurring in or about the House or Houses of Residence belonging to any See or in or about the Appurtenances of any such House or Houses.

Further Provision as to Dilapidations on Episcopal Estates.

13. The Estates Committee shall make or cause to be made such Inspection of the whole or any Part of the Property forming the Endowment of any See as is contemplated by the Ninth Section of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter One hundred and twenty-four, whenever they may be reasonably required so to do by the Archbishop or Bishop of such See by Writing under his Hand, as well as at any other Times at which such Inspection may appear to them to be necessary or desirable.

Arrangements how to be made.

14. All Arrangements to be made in pursuance of this Act shall, where no other Mode of carrying the same into effect is specified, be made by the Authority and in the Manner by and in which Arrangements for carrying into effect the Recommendations recited in the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, may be made.

The Lands of the Archdeaconry of Colchester to vest in the Commissioners on the next Avoidance or sooner with the Consent of the present Archdeacon.

15. Whereas the Endowment of the Archdeaconry of Colchester in the Diocese of Rochester consists of the Impropriate Rectory of Ardleigh in the County of Essex in the same Diocese, and of a valuable Block of Houses in the City of London which have been demised on Leases at small accustomed Rents, and on Payment of Fines (the said Rectory for a Period of Three Lives, some of the said Houses for Terms of Twenty-one Years, and the Residue thereof for Terms of Forty Years): And whereas under the Authority of the Acts relating to the Ecclesiastical Commissioners, and in particular of an Act of the Session of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and of an Act of the Session of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, an Arrangement might be made with the

Consent of the Holder of the said Archdeaconry for vesting the said Property in the Ecclesiastical Commissioners, and substituting in lieu thereof a Money Payment to the said Archdeacon and his Successors; but inasmuch as such equivalent Money Payment would be large, it is expedient that, subject to the Interests of the present Holder of the said Archdeaconry, Provision should be made thereout for the Endowment of the Archdeaconry of Essex of the Living of St. John's, Colchester, in the Patronage of the said Archdeacon of Colchester, and of certain other Livings in the said Diocese in the Patronage of the Bishop thereof: And whereas the present Archdeacon has not received any Fines, but the usual Time for renewing a Lease will shortly arrive: Be it enacted, That upon the First Avoidance of the Archdeaconry of Colchester after the passing of this Act, all the Lands, Tithes, and Hereditaments belonging thereto (except any Right of Ecclesiastical Patronage), shall, subject to any legally subsisting Lease or Leases thereof, or of any Part or Parts thereof, vest in the Commissioners for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

Provided, that it shall be lawful for the Archdeacon in possession of the said Archdeaconry at the Time of the passing of this Act, if he shall think fit, with the Consent of the Bishop of the Diocese, to signify his Willingness to the said Transfer taking place forthwith, in which Case a Memorandum of such Willingness, under the Hand of the said Archdeacon and the Episcopal Seal of the said Bishop and the Common Seal of the Commissioners, shall be registered in the Registry of the Diocese and published in the London Gazette, and from and after the Date of such Publication the said Lands, Tithes, and Hereditaments shall (subject always to such Lease or Leases as aforesaid), without any further Conveyance, vest in the Commissioners for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the Commissioners.

The Commissioners to provide 600*l.* a Year for the Archdeacon of Colchester, 300*l.* a Year for the Archdeacon of Essex, and various Sums for certain Livings in the Diocese of Rochester.

16. As soon as the said Lands, Tithes, and Hereditaments shall have become vested in the Commissioners, the Commissioners shall thenceforth pay out of their Common Fund the annual Sum of Six hundred Pounds to the Archdeacon of Colchester and his Successors; the annual Sum of Three hundred Pounds to the Archdeacon of Essex and his Successors (in addition to the annual Sum of One hundred and forty Pounds already payable by the said Commissioners in respect of the last-named Archdeaconry); the annual Sum of Two hundred Pounds to the Incumbent of Saint John, Colchester, and his Successors; the annual Sum of One hundred Pounds to the Incumbent of Billericay and his Successors; the annual Sum of Sixty Pounds to the Incumbent of Boxted and his Successors; the annual Sum of Eighty Pounds to the Incumbent of Canvey Island and his Successors; the annual Sum of One hundred Pounds to the Incumbent of St. John's, Finchingfield, and his Successors; the annual Sum of Sixty Pounds to the Incumbent of Feering and his Successors; the annual Sum of Sixty Pounds to the Incumbent of Great Wakering and his Successors; the annual Sum of One hundred Pounds to the Incumbent of High Beech and his Successors; the annual Sum of Thirty Pounds to the Incumbent of Little Tey and his Successors; the annual Sum of Fifty Pounds to the Incumbent of Longfield and his Successors; the annual Sum of Sixty Pounds to the Incumbent of Matching and his Successors; the annual Sum of One hundred Pounds to the Incumbent of Newport and his Successors; the annual Sum of Fifty Pounds to the Incumbent of Rickling and his Successors; the annual Sum of Eighty Pounds to the Incumbent of Stanway All Saints and his Successors; the annual Sum of Eighty Pounds to the Incumbent of Tiptree Heath and his Successors; the annual Sum of Sixty Pounds to the Incumbent of West Hyde and his Successors; and the annual Sum of Thirty Pounds to the Incumbent of Wouldham and his Successors; which said annual Sums shall be payable half-yearly by Moieties on the First Day of May and the First Day of November in every Year, and shall be apportionable between each Archdeacon or Incumbent or his Representatives and his Successor: Provided, that if the present Archdeacon shall signify his Willingness as aforesaid before the First Day of November One thousand eight hundred and sixty-six, he shall be deemed to be entitled to such half-yearly Payments as from the First Day of November One thousand eight hundred and sixty-five; and so soon as the Rectorial Tithes of the Parish of Ardleigh in the County of Essex shall have come into the Possession and Receipt of the Commissioners by Determination of the subsisting Lease or Leases of such Tithes, the Commissioners shall in like Manner pay to the Vicar of Ardleigh such a yearly Sum as will raise his net Income to Five hundred Pounds, or shall effect such Augmentation by the Appropriation of a sufficient Portion of the actual Tithes: Provided always, that if such last-mentioned Tithes shall be brought into the Possession of the Commissioners by the Purchase of any Lease, the Commissioners shall not be bound to make such Grant as aforesaid to the Vicarage of Ardleigh until the Arrival of the Date at which it was on such Purchase estimated that such Lease would have expired.

Commissioners may assign certain Stipends to be payable

17. When the Ecclesiastical Commissioners are or may be in receipt of any Income arising from Estates that belong or have belonged to any Dean or Chapter or any major or minor Corporation out of Estates of Cathedral Churches, &c.

ration of any Cathedral or Collegiate Church, the said Commissioners shall be at liberty (whether an Order of Her Majesty in Council has or has not been passed in relation to such Income, and notwithstanding any Limitation contained in any Act of Parliament as to the Stipends and Allowances of any of the Persons herein-after mentioned,) out of such Income to make such Provision as to them may seem needful for securing adequate Stipends and Allowances to the Minor Canons, Schoolmasters, Organists, Vicars Choral, Lay Clerks, Officers, Choristers, Bedesmen, Servants, and other Members of the Foundation of the Cathedral or Collegiate Church, and for securing adequate Sums of Money for the Maintenance of any existing College or School in connexion with the Cathedral or Collegiate Church.

Repealing in part Sect. 12. of 4 & 5 Vict. c. 39. as to Rectory of Southwell.

18. So much of the Twelfth Section of the Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, as enacts that on the next Avoidance of the Rectory of Southwell the Archdeacon of Nottingham for the Time being shall become ipso facto Rector of the said Rectory, and the said Rectory shall thenceforth be permanently annexed to the Archdeaconry of Nottingham, shall be and the same is hereby repealed.

Amendment of Sect. 8. of 28 & 29 Vict. c. 42.

19. Whereas by the Eighth Section of the Act of the Session of the Twenty-eighth and Twenty-ninth Years of Her present Majesty it is provided, that any Agreement made in pursuance of that Act shall be carried into effect by the Ecclesiastical Commissioners for England, and any Order made by Her Majesty in Council ratifying such Agreement, and transferring on the one Side the Tithes proposed to be transferred to the Incumbent of the District Church, and on the other securing to the Rector or Vicar the Compensation agreed upon, shall be valid to vest in the said Incumbent and his Successors such Tithes, and to secure to the said Rector or Vicar such Compensation: And whereas it will be a great Saving of Expense if a Deed under the Corporate Seal of the said Commissioners be substituted for the said Order in Council: Be it enacted, That in the said Section the Words "any "Instrument under the Corporate Seal of the said Commissioners, "made in pursuance of such Agreement," shall be substituted for the Words "any Order made by Her Majesty in Council ratifying "such Agreement."

Saving the Rights of the Chapter of Christ Church, Oxford, and Manchester.

20. Nothing in this Act contained shall affect or apply to the Cathedral Church of Christ in Oxford, nor to the Cathedral or Collegiate Church of Manchester.

Ecclesiastical Commission.

[H.L.]

A

B I L L

INTITULED

An Act to further amend the Acts relating to the Ecclesiastical Commissioners for England.

(*Brought from the Lords 27 July* 1866.)

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1866.

[Bill 252.]

Under 2 oz.

A

BILL

TO

Amend the Law respecting Leases by Ecclesiastical Corporations, as far as relates to the Isle of Man.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. So much of the Act of the Session of the Fifth and Sixth Years of Her Majesty's Reign (Chapter One hundred and eight) "for enabling Ecclesiastical Corporations, Aggregate and Sole, to "grant Leases for long Terms of Years" as extends to the Isle of Man the Operation of that Act shall be and the same is hereby repealed.

Partial Repeal of 5 & 6 Vict. c. 108. s. 32.

2. This Act may be cited as The Ecclesiastical Leases (Isle of Man) Act, 1866.

Short Title.

Ecclesiastical Leases (Isle of Man).

A

BILL

To amend the Law respecting Leases by Ecclesiastical Corporations, as far as relates to the Isle of Man.

(Prepared and brought in by
Mr. Baring and Mr. Bruce.)

Ordered, by The House of Commons, *to be Printed,*
19 *March* 1866.

[Bill 80.]

Under 1 *oz.*

A

BILL

TO

Consolidate and amend the several Acts now in force relating to the Powers and Disabilities of Returning Officers to vote at the Election and Return of Members to Parliament.

Preamble.

WHEREAS it is expedient to consolidate and amend the several Acts now in force relating to the Powers and Disabilities of Returning Officers to vote at the Election and Return of Members to Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts and Parts of Acts repealed.

1. The Acts and Parts of Acts set forth in the Schedule hereunto annexed to the Extent to which they are therein expressed to be repealed, and all other Acts or Parts of Acts which are inconsistent with this Act, are repealed, but such Repeal shall not affect any Proceeding pending, or any Right that has arisen, in respect of any Transaction, Act, Matter, or Thing done or existing prior to or at the Commencement of this Act under or by virtue of any of the Acts or Parts of Acts repealed.

No more to be returned than required by Writ.

Returning Officer to have Casting Voice.

2. No Sheriff or Mayor or other Returning Officer or Officers at any Parliamentary Election for any County, City, Borough, County of a City, or County of a Town shall return more than the Number of Persons he or they shall by Writ or Precept be required to return, and if there be an Equality of Voices for any Two or more Candidates upon the Close of the Poll, then in Cases where One Person presides as Returning Officer he shall be obliged to give a Casting Voice, and in Cases where Two Sheriffs or other Returning Officer shall preside the Sheriff or other Returning Officer whose Name shall stand first in the Appointment to the Office of Returning Officer shall, if he be present, give a Casting Voice, and if he be not present the junior Sheriff or other Returning Officer shall give such Casting Voice; and if any Sheriff or Mayor or other Returning Officer or Officers shall return more than the Number of Persons who shall by Writ or Precept be directed to be returned, such Sheriff or Mayor or other Returning Officer or Officers shall forfeit the Sum of *Five hundred Pounds* to the Person who shall first sue for the same, to be recovered as herein-after directed.

Officer returning more than Number directed to be liable to a Penalty of 500*l*., and be incapable of voting.

Returning Officer disqualified from voting.

3. Except in Cases where there is an Equality of Voices for any Two or more Candidates, no Sheriff or Mayor or other Returning Officer shall (although otherwise qualified to vote) give his Vote at any Parliamentary Election for any County, City, Town, County of a City, or County of a Town at which he shall act as such Returning Officer.

Penalties how to be recovered.

4. All pecuniary Penalties imposed by this Act which may be incurred in England or Wales shall be recovered, with full Costs, by Action in any of Her Majesty's Courts of Record at Westminster; and all pecuniary Penalties imposed by this Act which may be incurred in Ireland shall be recovered, with full Costs, by Action in any of Her Majesty's Courts of Record at Dublin; and all pecuniary Penalties imposed by this Act which may be incurred in Scotland shall be recovered, with full Costs, by Suit in the Court of Session.

Limitation of Action or Suit.

5. Every Action or Suit grounded on this Act shall be commenced within *One Year* after the Offence in respect of which such Action may be brought shall be committed.

SCHE-

SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
35 Geo. 3. c. 29. (I.)	An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned.	Section 13.
4 Geo. 4. c. 55. (I.)	An Act to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament for Counties of Cities and Counties of Towns in Ireland.	Section 68.
2 & 3 Will. 4. c. 65. (S.)	An Act to amend the Representation of the People in Scotland.	So much of Section 33. as enacts that if the Votes shall equal, the Sheriff shall make a double Return.

Elections (Returning Officers).

A

B I L L

To consolidate and amend the several Acts now in force relating to the Powers and Disabilities of Returning Officers to vote at the Election and Return of Members to Parliament.

(*Prepared and brought in by*
Mr. Goldsmid, Mr. Huddleston, and
The O'Conor Don.)

Ordered, by The House of Commons, *to be Printed*,
17 *May* 1866.

[Bill 161.]

Under 1 *oz.*

Elective Franchise Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Right of voting in Cities and Boroughs to be enjoyed by Persons holding Certificates of Educational Qualifications. Six Months Residence essential.
2. Exclusion of Persons who have received Parochial Relief within certain Period.
3. To entitle a Person to Certificate he must have passed an Examination in Writing from Dictation and Elementary Arithmetic.
4. Examinations to be under Direction of Civil Service Commissioners. Standard of Examination. Examinations to take place in Cities, &c. in which Candidates reside.
5. Civil Service Commissioners to appoint Assistant Examiners and others, subject to Approval of Commissioners of Treasury. And determine Amount of Remuneration. Remuneration to be paid out of Monies to be provided by Parliament.
6. Town Clerks to provide Offices, &c. for Examinations.
7. Civil Service Commissioners to issue Instructions for efficient Conduct of Examinations.
8. Candidates for Examination to make Application to Civil Service Commissioners in London. Declaration that Candidate has resided in City, &c. for Six Months before Application. Negativing Receipt of Parochial Relief.
9. Civil Service Commissioners to appoint Time and Place for Examination not later than Four Calendar Months after Receipt of Application. Written Notice thereof to the Town Clerk. Town Clerk to give public Notice thereof Eight Days after Receipt of Notice from Commissioners, and Twenty-eight Days before Day of Examination.
10. Before Candidate admitted to Examination he must pay One Shilling to Town Clerk. Monies collected by Town Clerk to be paid over as directed by Act.
11. Civil Service Commissioners to supply Examination Papers for Purposes of Examination. To be marked with Names of Candi-

CLAUSE.

Candidates. And transmitted to Assistant Examiners in sealed Packets.

12. Examination Papers to be collected and transmitted in sealed Packets to Civil Service Commissioners in London.

13. Examination Papers to be inspected and reported on by Examiners in London, and submitted to Civil Service Commissioners. Certificates of Educational Qualification to be prepared for Delivery to Candidates who have passed Examination.

14. Unsuccessful Candidates may, after Interval of Twelve Months, again apply to be examined.

15. Certificates to be transmitted to Town Clerk. Town Clerk to give public Notice, stating Names of successful Candidates, and when and where Certificates may be obtained.

16. Town Clerk to cause Certificates to be transcribed in a Book, to be called the "Register of Educational Certificates." Register to be inspected without Payment of Fee. Copies of Certificates to be supplied after Rate specified in Table in Schedule. Copies of Certificates purporting to be signed by Town Clerk receivable in Evidence.

17. Town Clerk to deliver Certificate to Person named therein on Payment of One Shilling and Sixpence. Sums received by Town Clerk to be paid over as directed by Act.

18. Town Clerk to prepare before last Day of July List of Persons holding Certificates. Provisions of 6 Vict. c. 18. s. 14. applicable to List hereby directed.

19. Persons whose Names omitted from List to give Notice of Claim to Town Clerk. Town Clerk to prepare List of Claimants. Certain Provisions of 6 Vict. c. 18. to apply to List.

20. Persons changing Place of Residence to give Notice to Town Clerk. Town Clerk to insert new Place of Residence in "Register of Educational Certificates." To produce Notice before Revising Barrister. Revising Barrister to insert last Place of Residence in List of Voters.

21. Where Party omits to give Notice of Change of Residence, any Person on List of Voters may serve Notice of Objection upon Town Clerk and Party omitting. Notice of Objection to be served Fourteen Days before First Court for Revision of List of Voters. Revising Barrister may strike out Name of Party guilty of Omission, or retain it, with or without Costs.

22. Person registered ceasing to reside within Borough, &c. to give Notice to Town Clerk within Twenty-one Days. Town Clerk

CLAUSE.

Clerk to produce Notice to Revising Barrister. Barrister to expunge Name from List of Voters, and sign Certificate to that Effect.

23. A Person whose Name is struck out from the List of any City or Borough entitled to be placed on Register of another, on giving Notice to the Town Clerk. Six Months Residence essential.

24. Monies received by Town Clerk under Tenth and Seventeenth Sections to be paid to the Cash Account of the Paymaster-General.

25. Expenses of Town Clerk to be certified by the Revising Barrister. Sum certified to be paid out of Monies voted by Parliament.

26. Any Person personating a Voter, or forging or falsifying Certificate, &c., and Aidors and Abettors, guilty of Misdemeanor.

27. Meaning of Expression "Town Clerk."

28. Extent to which Provisions of 6 Vict. c. 18. applicable.

SCHEDULE.

A

BILL

TO

Extend the Elective Franchise for Cities and Boroughs in England and Wales.

WHEREAS it is expedient to confer the Right of voting for Members to serve in Parliament for Cities and Boroughs in England and Wales upon certain of Her Majesty's Subjects who have not heretofore possessed the same :

Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Right of voting in Cities and Boroughs to be enjoyed by Persons holding Certificates of Educational Qualification.

1. Every Male Person of full Age, and not subject to any legal Incapacity, resident in any City or Borough in England or Wales returning a Member or Members to serve in Parliament, or in any Place sharing in the Election for such City or Borough, who shall obtain a Certificate of Educational Qualification in manner hereinafter provided, shall be entitled to be registered as a Voter, and to vote in the Election of a Member or Members of Parliament for such City or Borough : Provided that no such Person shall be registered as a Voter, or vote at any such Election, unless he shall have resided within the said City or Borough, or Place sharing in the Election for the same, for Six Calendar Months next before the Date of his Application to be examined for the Purpose of obtaining

Six Months Residence essential.

ing a Certificate of Educational Qualification under this Act, and have continued to reside therein from the Date of such Application down to and including the Time of voting.

Exclusion of Persons who have received Parochial Relief within certain Period.

2. No Person shall be entitled to be registered as a Voter for any such City or Borough who shall, within Twelve Calendar Months next previous to the Date of his Application to be examined under the Provisions of this Act, have received Parochial Relief, or other Alms which by the Law of Parliament now disqualify from voting in the Election of Members to serve in Parliament, or vote at any such Election, although registered as a Voter, if he shall have been in receipt of Relief or Alms of the Nature aforesaid at any Time between such Registration and the Time of tendering his Vote at any Election.

To entitle a Person to Certificate, he must have passed an Examination in Writing from Dictation and Elementary Arithmetic.

3. In order to entitle any such Person to a Certificate of Educational Qualification under this Act he must have passed, in conformity with the Provisions herein-after contained, a satisfactory Examination in Writing from Dictation and Elementary Arithmetic, that is to say, in Simple Addition, Subtraction, Multiplication, and Division, and in Addition, Subtraction, Multiplication, and Division of Money.

Examinations to be under Direction of Civil Service Commissioners.

4. The Examination of Candidates for Certificates of Educational Qualification under this Act shall be under the Direction and Management of Her Majesty's Civil Service Commissioners acting under the Powers and Authorities conferred by the Order in Council of the Twenty-first Day of May One thousand eight hundred and fifty-five, and any other Powers or Authorities enabling them in that Behalf; and all such Examinations shall be conducted as nearly as may be in conformity with the Standard for the Time being applicable to the Examination of Candidates for Appointment to subordinate Situations in any of Her Majesty's Civil Establishments for which a prescribed Degree of Proficiency in the foregoing Subjects, or some of them, forms the Test of Qualification; and all such Examinations shall be held in the Cities or Boroughs, or Places sharing in the Election for any such Cities or Boroughs, in which the Candidates may respectively reside.

Standard of Examination.

Examinations to take place in Cities, &c. in which Candidates reside.

Civil Service Commissioners to appoint Assistant Examiners and others, subject to Approval of Commissioners of Treasury;

5. It shall be lawful for the said Civil Service Commissioners from Time to Time, subject to the Approval of the Lords Commissioners of Her Majesty's Treasury, to employ so many Assistant Examiners and other Persons as may be necessary for conducting the Examinations under this Act, and the several Persons so employed shall perform such Duties in relation thereto as the said

Civil Service Commissioners may from Time to Time respectively assign to them, and it shall be lawful for the last-mentioned Commissioners at their Discretion to dismiss any such Persons from their Employment, and to employ others in their Place and Stead; and the several Persons employed shall receive such Amount of Remuneration as the last-mentioned Commissioners may sanction and direct, subject to the Approval aforesaid; and the Sums from Time to Time becoming due and payable to the said Persons in respect of their Services shall be paid to them out of Monies to be provided by Parliament for that Purpose.

and determine Amount of Remuneration.

Remuneration to be paid out of Monies to be provided by Parliament.

6. The Town Clerk of every City and Borough in England and Wales shall, with all convenient Speed after *the passing of this Act*, provide within the Limits of every such City and Borough, or Place sharing in the Election for the same, to the Satisfaction of the said Civil Service Commissioners, fit and convenient Offices and Apartments, and all other Matters and Things that may be requisite and convenient for the due Conduct of the Examinations under this Act.

Town Clerks to provide Offices, &c. for Examinations.

7. The said Civil Service Commissioners shall from Time to Time issue such written or printed Instructions to the Assistant Examiners or others appointed to conduct the Examinations under this Act, as they may deem proper for the efficient Conduct thereof, fixing the Time allowed for every such Examination, and giving such other Directions in relation thereto as they may consider necessary, and every such Examination shall be conducted in strict Conformity with the Instructions so issued.

Civil Service Commissioners to issue Instructions for Conduct of Examinations.

8. Every Candidate for a Certificate of Educational Qualification under this Act, before being permitted to be examined, shall deliver or transmit, by registered Letter through the Post, to the said Civil Service Commissioners at their Office for the Time being in London, an Application in Writing under his Hand, and dated of the Day on which the same shall be signed by him, requesting to be examined for the Purpose of obtaining such Certificate; and every such Application may be according to the Form numbered 1 in the Schedule to this Act; and the said Candidate shall deliver or transmit in manner aforesaid, together with such Application, a Declaration under his Hand stating that he the said Candidate has continually resided in the City or Borough in which he seeks to be registered as a Voter, or in a Place sharing in the Election of a Member or Members of Parliament for the same, for Six Calendar Months next previous to the Date of his Application to the said Commissioners, and has not been in receipt of Parochial Relief, or other Alms which by the Law of Parliament disqualify from voting

Candidates for Examination to make Application to Civil Service Commissioners in London.

Declaration that Candidate has resided in City, &c. Six Months before Application;

negativing Receipt of Parochial Relief.

voting in the Election of Members to serve in Parliament, for Twelve Calendar Months next previous to the Date aforesaid; and such Declaration may be according to the Form numbered 2. in the said Schedule, or to the like Effect.

Civil Service Commissioners to appoint Time and Place for Examination not later than Four Calendar Months after Receipt of Application.

Written Notice to the Town Clerk.

Town Clerk to give public Notice thereof Eight Days after Receipt of Notice from Commissioners and Twenty-eight Days before Day of Examination.

9. The said Civil Service Commissioners shall, with all convenient Speed after the Receipt of any such Application appoint a Day, being not later than Four Calendar Months after the Receipt thereof, for the Examination of the Candidate by whom the same shall have been made, and of any others whose Examination may in their Judgment be properly and conveniently held at the same Time and Place, and shall give written Notice thereof to the Town Clerk of the City or Borough for which the said Candidate seeks to be registered as a Voter; and the Town Clerk shall, within Eight Days after Receipt of the said Notice from the said Commissioners, and Twenty-eight Days before the Day of Examination, give public Notice thereof by Advertisement in One or more of the principal Newspapers circulating in the County in which the said City or Borough, or Place sharing in the Election for the same, may be situate, stating the Names of the several Candidates and the Time and Place appointed for their Examination, and shall also within the same Period affix a Copy of the last-mentioned Notice upon some conspicuous Building in such City, Borough, or Place; and such Notice may be according to the Form numbered 3. in the said Schedule, or to the like Effect.

Before Candidate admitted to Examination he must pay One Shilling to Town Clerk.

Monies collected by Town Clerk to be paid over as directed by Act.

10. Before any Candidate shall be permitted to be examined under the Provisions of this Act he shall pay to the Town Clerk the Sum of One Shilling, and the Town Clerk is hereby required to attend at the Time and Place appointed for commencing such Examination for the Purpose of demanding and receiving the said Sum; and all Monies received by the Town Clerk under this Enactment shall be paid over by him in manner herein-after directed.

Civil Service Commissioners to supply Examination Papers for Purposes of Examination;

to be marked with Names of Candidates;

11. At every Examination to be held under this Act the Answers to the Questions proposed, and the Exercises set for testing the Proficiency of the Candidates, shall be written and performed on Examination Papers to be supplied by the said Civil Service Commissioners, who are hereby required to forward, before the Day of Examination, to the Assistant Examiner or Examiners appointed to conduct the same, a sufficient Number of Examination Papers for the Use of the several Candidates; and each Set of Papers shall be previously marked with the Christian Name and Surname in full of the Candidate for whose Use the same shall be intended;

and transmitted to Assistant Examiners in sealed Packets.

and the said Commissioners shall cause the said Examination Papers to be enclosed in a sealed Packet addressed to the Assistant Examiner or Examiners, and at the Time and Place appointed for the said Examination the said Assistant Examiner or Examiners shall open such Packets in the Presence of the Candidates then and there assembled, and shall deliver to each Candidate the Examination Papers marked with his Name.

Examination Papers to be collected and transmitted in sealed Packets to Civil Service Commissioners in London.

12. At the Expiration of the Time allowed for the Performance of the Work appointed for testing the Proficiency of the several Candidates the Examination Papers of each Candidate shall be subscribed by him with his Christian Name and Surname in full, and the whole of the Examination Papers shall be thereupon collected by the Assistant Examiner or Examiners, who shall forthwith, in the Presence of the Candidates then and there assembled, enclose the same in a Packet, and seal such Packet with a Seal to be provided by the said Civil Service Commissioners for that Purpose, and shall then transmit the same to the said Commissioners at their Office in London.

Examination Papers to be inspected and reported on by Examiners in London, and submitted to Civil Service Commissioners.

Certificates of Educational Qualification to be prepared for Delivery to Candidates who have passed Examination.

13. Such One or more of the Examiner or Examiners either permanently or occasionally employed under the Civil Service Commission in London as shall be directed by the said Civil Service Commissioners shall, as speedily as may be after Receipt of the said Examination Papers at the said Office, proceed to an Inspection thereof, and shall submit the same, together with their Report thereon, to the said Commissioners, who shall upon a Consideration of such Papers and Report decide upon the Sufficiency of each Candidate's Examination, and shall cause to be prepared, according to the Form numbered 4. in the said Schedule, or to the like Effect, Certificates of Educational Qualification to be delivered in manner herein-after provided to such of the said Candidates as shall in their Judgment have passed the said Examination in a satisfactory Manner, and such Certificates shall be signed by the said Commissioners or any Two of them.

Unsuccessful Candidates may after Interval of Twelve Months again apply to be examined.

14. It shall be competent for any Candidate who may have failed in passing any such Examination, on duly complying with the Provisions of this Act, to apply, at any Time after the Expiration of Twelve Calendar Months from the Date of his last Application, to be again examined, and so from Time to Time in any subsequent Year.

Certificates to be transmitted to Town Clerk.

15. The said Certificates of Educational Qualification shall, within Two Calendar Months after receipt of the respective

Examination Papers at the said Office as aforesaid, be transmitted by the said Commissioners to the Town Clerk of the City or Borough in which the respective Candidates seek to be registered as Voters; and the Town Clerk shall, within Fourteen Days after Receipt of the same, give public Notice thereof by Advertisement, according to the Form numbered 5. in the said Schedule, in One or more of the principal Newspapers circulating in the County in which the City, Borough, or Place sharing in the Election for the same may be situate; and shall also, within the same Period, affix a Copy of such Notice upon some conspicuous Building within such City, Borough, or Place, stating the Names of the Candidates entitled to Certificates, and the Time and Place at which the same may be obtained.

Town Clerk to give public Notice stating Names of successful Candidates, and when and where Certificates may be obtained.

Town Clerk to cause Certificates to be transcribed in a Book to be called the "Register of Educational Certificates."

16. The Town Clerk shall forthwith upon Receipt of the said Certificates of Educational Qualification cause the same to be fairly transcribed in chronological Order in a Book to be by him provided and kept for that Purpose, to be called "The Register of Educational Certificates," and shall prepare or cause to be prepared an Index to such Book for ready and convenient Reference, and shall produce such Book and Index to the Revising Barrister appointed to revise the Lists of Voters for the City or Borough for the current Year at the opening of the First Court to be by him held for that Purpose; and the said Town Clerk shall at all convenient Times previous to the holding of such Court, and after the Revision of the Lists of Voters aforesaid, permit such Book to be perused by any Person applying without Payment of any Fee, and shall deliver written or printed Copies of any Certificate transcribed in the said Book in manner aforesaid to any Person applying for the same on Payment of a Price for each Copy after the Rate specified in the Table numbered 14. in the said Schedule; and a Copy of any such Certificate purporting to be signed by the Town Clerk for the Time being shall be taken in Evidence in any Court, without Proof of the Signature of the said Town Clerk, in any Proceeding in which the original Certificate would have been receivable in Evidence, and the Town Clerk shall safely keep and hand over the said Book to his Successor in the Office of Town Clerk.

Register to be inspected without Payment of Fee.

Copies of Certificates to be supplied after Rate specified in Table in Schedule.

Copies of Certificates purporting to be signed by Town Clerk receivable in Evidence.

Town Clerk to deliver Certicate to Person named therein on Payment of One Shilling and Sixpence.

17. The Town Clerk shall deliver each of the said Certificates of Educational Qualification to the Person named therein on Application made by him in that Behalf conformably to the Notice herein-before referred to, and on Payment for the same by such Person of the Sum of *One Shilling and Sixpence;* and shall thereupon make or cause to be made in the "Register of Educational

Certificates" aforesaid an Entry to the Effect that such Certificate has been delivered to the Person named therein; and all Sums received by the Town Clerk under this Enactment shall be paid over by him in manner herein-after directed.

Sums received by Town Clerk to be paid over as directed by Act.

Town Clerk to prepare before last Day of July List of Persons holding Certificates.

18. The Town Clerk of every City and Borough in England and Wales shall, on or before the *last Day of July* in every Year, make out or cause to be made out, according to the Form numbered 6. in the said Schedule, or to the like Effect, an alphabetical List of the several Persons entitled to vote in the Election of Members to serve in Parliament for any such City or Borough by virtue of Certificates of Educational Qualification under the Provisions of this Act, and shall include in such List the Name of every Person mentioned in any such Certificate which he shall have received from the said Civil Service Commissioners at any Time subsequent to the *Twentieth Day of July* in the Year preceding; and the several Provisions contained in the Fourteenth Section of the Act Sixth of Victoria, Chapter Eighteen, with respect to the List therein mentioned, shall be applicable to the List hereby directed.

Provisions of 6 Vict. c. 18. s. 14. applicable to List hereby directed.

Persons whose Names omitted from List to give Notice of Claim to Town Clerk.

19. Every Person entitled to vote in the Election of Members for any City or Borough by virtue of any such Certificate as aforesaid, whose Name shall have been omitted from any such List of Voters, shall, on or before the *Twenty-fifth* Day of August next ensuing, give or cause to be given to the Town Clerk a Notice according to the Form numbered 7. in the said Schedule, or to the like Effect; and the Town Clerk shall include the Names of all Persons by whom Notice shall have been given conformably to this Provision in a List according to the Form numbered 8. in the said Schedule; and the several Directions contained in the Fifteenth, Sixteenth, Seventeenth, and Eighteenth Sections of the Act Sixth of Victoria, Chapter Eighteen, shall, so far as the same shall be applicable, be observed with respect to the List hereby directed.

Town Clerk to prepare List of Claimants.

Certain Provisions of 6 Vict. c. 18. to apply to List.

Persons changing Place of Residence to give Notice to Town Clerk.

20. In case any Person registered as a Voter for any City or Borough by virtue of a Certificate of Educational Qualification under this Act shall change his Place of Residence from One Part of such City or Borough, or Place sharing in the Election for the same, to some other Place of Residence within such City, Borough, or Place, he shall within Fourteen Days after every such Change of Residence give written Notice thereof according to the Form numbered 9. in the said Schedule, or to the like Effect, to the Town Clerk of such City or Borough, who shall insert the new Place of Residence of such Person opposite his Name in the "Register of Educational Certificates" aforesaid, and shall keep all Notices so

Town Clerk to insert new Place of Residence in "Register of Educational Certificates;"

to produce Notice before Revising Barrister.

Revising Barrister to insert last Place of Residence in List of Voters.

received by him in some secure Place of Deposit, and produce the same to the Revising Barrister at the First Court to be by him held for the Revision of the List of Voters for the said City or Borough for the current Year, and the Revising Barrister shall insert in the List in which the Name of such Person appears the Place of Abode mentioned in the Notice last served upon the Town Clerk pursuant to this Provision.

Where Party omits to give Notice of change of Residence any Person on List of Voters may serve Notice of Objection upon Town Clerk and Party omitting.

Notice of Objection to be served Fourteen Days before First Court for Revision of List of Voters.

Revising Barrister may strike out Name of Party guilty of Omission, or retain it with or without Costs.

21. In case any such Person shall omit to give Notice to the Town Clerk in manner aforesaid, it shall be lawful for any Person whose Name shall be upon the List of Voters for such City or Borough for the Time being to serve Notice of Objection upon the Town Clerk, stating the Fact of such Omission, and also to serve upon the Person so omitting a Copy of the said Notice, and every such Notice may be according to the Form numbered 10. in the said Schedule, or to the like Effect; and the said Notice and Copy shall be served upon the said Town Clerk and Person respectively Fourteen Days before the Day appointed by the Revising Barrister for the Revision of the Lists of Voters for the City or Borough, and the Town Clerk shall produce to the Revising Barrister at the First Court to be by him held for the Revision aforesaid the Notice so served upon him; and it shall be lawful for the said Barrister, upon due Proof of the Service of the Copy of the Notice aforesaid upon the said Person, or at his last known Place of Abode, either to strike out the Name of such Person from the List of Voters, or to retain his Name in such List, and insert therein the then true Place of Abode of the Person so objected to, with or without Costs, as he shall in that Behalf determine; provided that the Costs to be awarded by the said Barrister shall in no Case exceed the Sum of *Twenty Shillings*.

Persons registered ceasing to reside within Borough &c. to give Notice to Town Clerk within Twenty-one Days.

Town Clerk to produce Notice to Revising Barrister.

Barrister to expunge Names from List of Voters, and sign Certificate to that Effect.

22. Every Person registered as a Voter by virtue of a Certificate of Educational Qualification under this Act who shall cease to reside within the Limits of the City or Borough for which he is registered, or of a Place sharing in the Election for the same, shall, within *Twenty-one* Days after so ceasing to reside, give written Notice thereof under his Hand to the Town Clerk of the said City or Borough, who shall produce such Notice to the Revising Barrister at the First Court to be by him held for the Revision of the Lists of Voters within such City or Borough for the current Year; and the said Barrister shall, upon Production of such Notice, expunge the Name of such Person from the List of Voters for such City or Borough, and shall deliver to the said Person, or to some Person duly authorized by him in Writing to receive the same, a Certificate under the Hand of him the said Barrister, according to the Form numbered 11. in the said Schedule, or to the like Effect, stating that the Name of the said Person has been expunged from the List of Voters of the City or Borough aforesaid; and in case any Person so ceasing to reside shall omit to give such Notice as aforesaid he shall be liable to a Penalty not exceeding *Five Pounds*, to be recovered by a summary Proceeding before a Justice of the Peace in manner provided by the Act Eleventh and Twelfth of Victoria, Chapter Forty-three.

Person omitting Notice liable to Penalty.

23. Every Person whose Name has been expunged from the List of Voters for any City or Borough in manner aforesaid shall, subject to the Provisions of this Act, be entitled to be registered as a Voter and to vote in the Election of a Member or Members to serve in Parliament for any other City or Borough in England or Wales on giving written Notice under his Hand on or before the *Twenty-fifth* Day of *August* in any Year, according to the Form numbered 12. in the said Schedule, or to the like Effect, to the Town Clerk thereof, and delivering or transmitting to him, together with such Notice, his Certificate of Educational Qualification under the Hand of the said Civil Service Commissioners, or a Copy thereof purporting to be signed by the Town Clerk in whose Custody the "Register of Educational Certificates" in which a Copy thereof is entered pursuant to the Direction herein-before contained may be, and the said Certificate of the Revising Barrister stating that his Name has been expunged from the List of Voters of the first-named City or Borough in manner aforesaid: Provided that no Person shall be registered as a Voter or vote in the Election of a Member or Members to serve in Parliament for any City or Borough unless he shall have been continually resident within such City or Borough, or Place sharing in the Election of a Member or Members for the same, for *Six* Calendar Months next before the Time of giving the said Notice.

A Person whose Name is struck out from the List of any City or Borough entitled to be placed on Register of another on giving Notice to the Town Clerk.

Six Months Residence essential.

24. The Town Clerk of every City and Borough in England and Wales shall pay over all Monies received by him under the Provisions contained in the Tenth and Seventeenth Sections of this Act, at such Times as the Lords Commissioners of Her Majesty's Treasury shall direct, to the Account of the Exchequer at the Bank of England.

Monies received by Town Clerk under Tenth and Seventeenth Sections to be paid to the Cash account of the Paymaster General.

25. A separate Account of all Expenses incurred by the Town Clerk of any City or Borough in carrying into effect the Provisions of this Act shall be kept by such Town Clerk, and he shall lay the same before the Revising Barrister upon the Completion of the Revision of the Lists of Voters for such City or Borough for the current

Expenses of Town Clerk to be certified by Revising Barrister.

current Year; and such Barrister shall sign and give to the said Town Clerk a Certificate of the Sum which he shall allow to be due to him in respect of the said Expenses; and the said Town Clerk shall transmit such Certificate to the Lords Commissioners of Her Majesty's Treasury, who shall make an Order for Payment of the Sum mentioned in such Certificate to the Town Clerk, and every such Sum shall be paid out of Monies to be provided by Parliament for that Purpose.

Sum certified to be paid out of Monies voted by Parliament.

Any Person personating a Voter or forging or falsifying Certificate, &c., and Aiders and Abettors, guilty of Misdemeanor.

26. Every Person who at any Election of a Member or Members to serve in Parliament for any City or Borough shall knowingly personate and falsely assume to vote in the Name of any Person whose Name appears in the Register of Voters for such City or Borough then in force by virtue of the Right to vote conferred by this Act, whether such Person be alive or dead, and every Person who shall falsely and fraudulently assume to vote at any Election for any City or Borough after ceasing to reside within the Limits thereof, or of some Place sharing in the Election for the same, and every Person who shall falsely and fraudulently forge, counterfeit, or alter any Certificate of Educational Qualification, or utter the same knowing it to be forged, counterfeited, or altered, and any Person falsely or fraudulently signing any Declaration required for the Purposes of this Act, or delivering or transmitting as genuine any false or falsified Declaration, knowing the same to be false or falsified, and any Person knowingly and wilfully making any false Declaration of Fact in any Declaration under this Act, and every Person aiding, abetting, counselling, or procuring the Commission of any such Offence, shall be guilty of a Misdemeanor, and on Conviction shall be punished by Imprisonment for any Term not exceeding *Two Years*, together with Hard Labour.

Meaning of Expression "Town Clerk."

27. Throughout this Act the Expression "Town Clerk" shall have the same Signification as in the said Act of the Sixth Year of Victoria, Chapter Eighteen.

Extent to which Provisions of 6 Vict. c. 18. applicable.

28. The Provisions of the said Act Sixth of Victoria, Chapter Eighteen, shall, except where herein otherwise expressly provided, and except where the same shall be inconsistent with the Provisions of this Act, be applicable to the Registration of Persons entitled to vote, and to the Right of voting hereby conferred, in like Manner as they are now applicable to Registration and the Right of voting under that Act.

SCHE-

SCHEDULE to which this Act refers.

FORMS.

No. 1.

Application to Civil Service Commissioners by a Person desirous of being examined.

To Her Majesty's Civil Service Commissioners.

I now residing in the City [*or* Borough] of (*or* in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of ,) (*Trade or Calling*), do hereby make Application and notify to you that I am desirous of being examined in the said City [*or* Borough *or* Place] for the Purpose of obtaining a Certificate of Educational Qualification under the Provisions of the Act Victoria, Chapter

Dated this Day of 18

(Signed) *A.B.*

No. 2.

Declaration to accompany Application to Commissioners.

I now residing at in the City [*or* Borough] of (*or* at in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of), do hereby solemnly declare that I have continually resided in the said City [*or* Borough *or* Place] for *Six* Calendar Months next previous to the Date hereunder written, and that I have not been in receipt of Parochial Relief, or other Alms which by the Law of Parliament disqualify from voting for Members to serve in Parliament, for *Twelve* Calendar Months next previous to the Date aforesaid.

Dated this Day of 18

(Signed) *A.B.*

No. 3.

Notice of Time and Place appointed by the Commissioners for the Examination of Candidates to be given by the Town Clerk.

I, the undersigned, do hereby give Notice that, pursuant to a Notice from Her Majesty's Civil Service Commissioners directed to me, bearing date the Day of 18 , the Examination of the under-mentioned Candidates for Certificates of Educational Qualification under the Provisions of the Act of the Year of the Reign of Queen Victoria, Chapter , is appointed to commence at o'Clock on the Day of now next ensuing, at in the City [*or* Borough] of (*or* in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of ,) and such of the said Candidates as are desirous of proceeding to their Examination are hereby requested to be in attendance at the said Time and Place.

(Signed) *A.B.*

Town Clerk of the City [*or* Borough] of .

Christian Name and Surname of each Candidate at full Length.	Place of Residence.

No. 4.

Certificate of Educational Qualification to be given by the Commissioners.

We, Her Majesty's Civil Service Commissioners [*or* being Two of Her Majesty's Civil Service Commissioners], do hereby certify that of has passed a satisfactory Examination under the Provisions of the Act of the Year of Her Majesty, Chapter , in the City [*or* Borough] of (*or* at being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of), and that the said is entitled to be registered as a Voter in the Election of a Member [*or* Members] to serve in Parliament for the said City [*or* Borough].

(Signed)

} Civil Service Commissioners.

No. 5.

Notice of Time and Place at which Certificates may be obtained to be given by the Town Clerk.

I, the undersigned, hereby give Notice that Certificates of Educational Qualification have been issued by Her Majesty's Civil Service Commissioners for Delivery to the respective Persons whose Names are hereunder written, pursuant to the Provisions of the Act of the Year of the Reign of Her Majesty, Chapter ; and that the said Certificates may be obtained by the Parties severally entitled thereto, on Application for that Purpose at my Office situate on and after the Day of between the Hours of and , and on Payment in respect of each Certificate of the Sum of *One Shilling and Sixpence.*

(Signed) *A.B.*
Town Clerk of the City [*or* Borough] of .

No. 6.

List of Persons holding Certificates to be published by the Town Clerk.

The List of Persons entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of by virtue of Certificates of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter .

Christian Name and Surname of each Person at full Length.	Place of Residence.

(Signed) *A.B.*
Town Clerk of the City [*or* Borough] of .

No. 7.

Notice of Claim by Person omitted from List of Voters to be given to the Town Clerk.

I hereby give you Notice that I claim to have my Name inserted in the List made by you of Persons entitled by virtue of Certificates of Educational Qualification to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of under the Provisions of the Act of the Year of Queen Victoria, Chapter , and that I reside at Street in the City [*or* Borough] aforesaid, (*or* at in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of).

Dated this Day of 18 .

(Signed) *A.B.*

No. 8.

List of Claimants to be published by the Town Clerk.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough of , by virtue of Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter .

Christian Name and Surname of each Person at full Length.	Place of Residence.

No. 9.

Notice of Change of Residence to be given to the Town Clerk.

I, the undersigned, being a Person entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter did on the Day of now last past remove from in the said City [*or* Borough], (*or* from in being a Place sharing in the Election of a Member [*or* Members] of Parliament for the said City [*or* Borough],) and that my present Place of Residence is at in the same City [*or* Borough *or* Place].

Dated this Day of 18 .

(Signed) *A.B.*

No. 10.

Notice to Town Clerk that Person has omitted to give Notice of Change of Residence.

To the Town Clerk of the City [*or* Borough] of .

I hereby give you Notice that being a Person registered as a Voter for the City [*or* Borough] of by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter did on the Day of now last past remove from his then Residence at in the said City [*or* Borough], (*or* at in being a Place sharing in the Election of a Member [*or* Members] of Parliament for the said City [*or* Borough],) and that he the said omitted to give Notice to you the said Town Clerk of such his Removal within Three Days thereafter, contrary to the Provisions of the said Act; and that I shall attend at the First Court to be held for the Revision of the Lists of Voters for the said City [*or* Borough] for the current Year, and shall then and there be prepared to support the said Objection.

Dated this Day of 18 .

(Signed) *A.B.*

Of in the said City [*or* Borough *or* Place], a Person registered as a Voter for the said City [*or* Borough].

No. 11.

Notice by Person registered as a Voter of ceasing to reside within City or Borough, or Place sharing in the Election for the same, to be given to Town Clerk.

I, the undersigned, being a Person now registered as a Voter for a Member [*or* Members] of Parliament for the City [*or* Borough] of by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter , do hereby give you Notice that I did on the Day of now last past cease to reside within the Limits of the said City [*or* Borough], and of any Place sharing in the Election of a Member [*or* Members] to serve in Parliament for the same.

(Signed) *A.B.*

Late of

now residing at

No. 12.

Certificate of Revising Barrister that Person's Name expunged from List of Voters.

I, the undersigned, being the Revising Barrister duly appointed to revise the Lists of Voters for the City [*or* Borough] of for the current Year, do hereby certify that of whose Name lately appeared on the Register of Voters for the said City [*or* Borough] by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of the Reign of Her Majesty Chapter , did on the Day of now last past cease to reside within the Limits of the said City [*or* Borough], and of any Place sharing in the Election for the same, and that his Name has this Day been expunged by me from the List of Voters for the said City [*or* Borough] in conformity with the Directions contained in the said Act.

Given under my Hand this Day of 18 at

(Signed) *A.B.*

No. 13.

Notice by Person desirous of being registered as a Voter for some other City or Borough.

To the Town Clerk of the City [*or* Borough] of .

I hereby claim to be registered as a Voter for a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of in respect of a Certificate of Educational Qualification under the Act of the Year of Queen Victoria, Chapter dated the Day of ; and I hereby give you Notice that my Name was on the Day of duly expunged from the List of Voters for the City *or* Borough] of in consequence of my ceasing to reside within the Limits of such last-named City [*or* Borough], and of any Place sharing in the Election for the same: And I solemnly declare that I have been continually resident within the City [*or* Borough] first above-mentioned, (*or* in being a Place sharing in the Election for the City [*or* Borough] first above-mentioned,) for *Six* Calendar Months next before the Date hereunder written.

Dated this Day of 18 .

Signed (*A.B.*)

now residing at .

No. 14.

Table of Rates of Payment to be demanded and paid for Copies of Certificates of Educational Qualification.

For Copy of a single Certificate		6*d*.
For Copies of several Certificates, not exceeding 25	each	4*d*.
For Copies exceeding 25 and not exceeding 100	,,	3*d*.
For Copies of any Number exceeding 100	,,	2*d*.

Elective Franchise.

A

BILL

To extend the Elective Franchise for Cities and Boroughs in England and Wales.

(Prepared and brought in by
Mr. Clay, Mr. George Clive, and Mr. Gregory.)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1866.

[Bill 31.]

Under 3 oz.

[To be substituted for the
Bill [101] already delivered.]

Elective Franchise Bill.

ARRANGEMENT OF CLAUSES.

CLAUSE.

1. Right of voting in Cities and Boroughs to be enjoyed by Persons holding Certificates of Educational Qualifications. Six Months Residence essential.
2. Exclusion of Persons who have received Parochial Relief within certain Period.
3. To entitle a Person to Certificate he must have passed an Examination in Writing from Dictation and Elementary Arithmetic.
4. Examinations to be under Direction of Civil Service Commissioners. Standard of Examination. Examinations to take place in Cities, &c. in which Candidates reside.
5. Civil Service Commissioners to appoint Assistant Examiners and others, subject to Approval of Commissioners of Treasury. And determine Amount of Remuneration. Remuneration to be paid out of Monies to be provided by Parliament.
6. Town Clerks to provide Offices, &c. for Examinations.
7. Civil Service Commissioners to issue Instructions for efficient Conduct of Examinations.
8. Candidates for Examination to make Application to Civil Service Commissioners in London. Declaration that Candidate has resided in City, &c. for Six Months before Application. Negativing Receipt of Parochial Relief.
9. Civil Service Commissioners to appoint Time and Place for Examination not later than Four Calendar Months after Receipt of Application. Written Notice thereof to the Town Clerk. Town Clerk to give public Notice thereof Eight Days after Receipt of Notice from Commissioners, and Twenty-eight Days before Day of Examination.
10. Before Candidate admitted to Examination he must pay One Shilling to Town Clerk. Monies collected by Town Clerk to be paid over as directed by Act.
11. Civil Service Commissioners to supply Examination Papers for Purposes of Examination. To be marked with Names of Candi-

CLAUSE.

Candidates. And transmitted to Assistant Examiners in sealed Packets.

12. Examination Papers to be collected and transmitted in sealed Packets to Civil Service Commissioners in London.

13. Examination Papers to be inspected and reported on by Examiners in London, and submitted to Civil Service Commissioners. Certificates of Educational Qualification to be prepared for Delivery to Candidates who have passed Examination.

14. Unsuccessful Candidates may, after Interval of Twelve Months, again apply to be examined.

15. Certificates to be transmitted to Town Clerk. Town Clerk to give public Notice, stating Names of successful Candidates, and when and where Certificates may be obtained.

16. Town Clerk to cause Certificates to be transcribed in a Book, to be called the "Register of Educational Certificates." Register to be inspected without Payment of Fee. Copies of Certificates to be supplied after Rate specified in Table in Schedule. Copies of Certificates purporting to be signed by Town Clerk receivable in Evidence.

17. Town Clerk to deliver Certificate to Person named therein on Payment of One Shilling and Sixpence. Sums received by Town Clerk to be paid over as directed by Act.

18. Town Clerk to prepare before last Day of July List of Persons holding Certificates. Provisions of 6 Vict. c. 18. s. 14. applicable to List hereby directed.

19. Persons whose Names omitted from List to give Notice of Claim to Town Clerk. Town Clerk to prepare List of Claimants. Certain Provisions of 6 Vict. c. 18. to apply to List.

20. Persons changing Place of Residence to give Notice to Town Clerk. Town Clerk to insert new Place of Residence in "Register of Educational Certificates." To produce Notice before Revising Barrister. Revising Barrister to insert last Place of Residence in List of Voters.

21. Where Party omits to give Notice of Change of Residence, any Person on List of Voters may serve Notice of Objection upon Town Clerk and Party omitting. Notice of Objection to be served Fourteen Days before First Court for Revision of List of Voters. Revising Barrister may strike out Name of Party guilty of Omission, or retain it, with or without Costs.

22. Person registered ceasing to reside within Borough, &c. to give Notice to Town Clerk within Twenty-one Days. Town

CLAUSE.
Clerk to produce Notice to Revising Barrister. Barrister to expunge Name from List of Voters, and sign Certificate to that Effect.

23. A Person whose Name is struck out from the List of any City or Borough entitled to be placed on Register of another, on giving Notice to the Town Clerk. Six Months Residence essential.

24. Monies received by Town Clerk under Tenth and Seventeenth Sections to be paid to the Cash Account of the Paymaster-General.

25. Expenses of Town Clerk to be certified by the Revising Barrister. *Sum certified to be paid out of Monies voted by Parliament.*

26. Any Person personating a Voter, or forging or falsifying Certificate, &c., and Aidors and Abettors, guilty of Misdemeanor.

27. Meaning of Expression "Town Clerk."

28. Extent to which Provisions of 6 Vict. c. 18. applicable.

SCHEDULE.

To be substituted for the
[101] already delivered.]

A

B I L L

TO

Extend the Elective Franchise for Cities and Boroughs in England and Wales.

WHEREAS it is expedient to confer the Right of voting for Members to serve in Parliament for Cities and Boroughs in England and Wales upon certain of Her Majesty's Subjects who have not heretofore possessed the same:

Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. Every Male Person of full Age, and not subject to any legal Incapacity, resident in any City or Borough in England or Wales returning a Member or Members to serve in Parliament, or in any Place sharing in the Election for such City or Borough, who shall obtain a Certificate of Educational Qualification in manner hereinafter provided, shall be entitled to be registered as a Voter, and to vote in the Election of a Member or Members of Parliament for such City or Borough: Provided that no such Person shall be registered as a Voter, or vote at any such Election, unless he shall have resided within the said City or Borough, or Place sharing in the Election for the same, for Six Calendar Months next before the Date of his Application to be examined for the Purpose of obtain-

Right of voting in Cities and Boroughs to be enjoyed by Persons holding Certificates of Educational Qualification.

Six Months Residence essential.

ing a Certificate of Educational Qualification under this Act, and have continued to reside therein from the Date of such Application down to and including the Time of voting.

Exclusion of Persons who have received Parochial Relief within certain Period.

2. No Person shall be entitled to be registered as a Voter for any such City or Borough who shall, within Twelve Calendar Months next previous to the Date of his Application to be examined under the Provisions of this Act, have received Parochial Relief, or other Alms which by the Law of Parliament now disqualify from voting in the Election of Members to serve in Parliament, or vote at any such Election, although registered as a Voter, if he shall have been in receipt of Relief or Alms of the Nature aforesaid at any Time between such Registration and the Time of tendering his Vote at any Election.

To entitle a Person to Certificate, he must have passed an Examination in Writing from Dictation and Elementary Arithmetic.

3. In order to entitle any such Person to a Certificate of Educational Qualification under this Act he must have passed, in conformity with the Provisions herein-after contained, a satisfactory Examination in Writing from Dictation and Elementary Arithmetic, that is to say, in Simple Addition, Subtraction, Multiplication, and Division, and in Addition, Subtraction, Multiplication, and Division of Money.

Examinations to be under Direction of Civil Service Commissioners.

Standard of Examination.

Examinations to take place in Cities, &c. in which Candidates reside.

4. The Examination of Candidates for Certificates of Educational Qualification under this Act shall be under the Direction and Management of Her Majesty's Civil Service Commissioners acting under the Powers and Authorities conferred by the Order in Council of the Twenty-first Day of May One thousand eight hundred and fifty-five, and any other Powers or Authorities enabling them in that Behalf; and all such Examinations shall be conducted as nearly as may be in conformity with the Standard for the Time being applicable to the Examination of Candidates for Appointment to subordinate Situations in any of Her Majesty's Civil Establishments for which a prescribed Degree of Proficiency in the foregoing Subjects, or some of them, forms the Test of Qualification; and all such Examinations shall be held in the Cities or Boroughs, or Places sharing in the Election for any such Cities or Boroughs, in which the Candidates may respectively reside.

Civil Service Commissioners to appoint Assistant Examiners and others, subject to Approval of Commissioners of Treasury;

5. It shall be lawful for the said Civil Service Commissioners from Time to Time, subject to the Approval of the Lords Commissioners of Her Majesty's Treasury, to employ so many Assistant Examiners and other Persons as may be necessary for conducting the Examinations under this Act, and the several Persons so employed shall perform such Duties in relation thereto as the said

Civil Service Commissioners may from Time to Time respectively assign to them, and it shall be lawful for the last-mentioned Commissioners at their Discretion to dismiss any such Persons from their Employment, and to employ others in their Place and Stead; and the several Persons employed shall receive such Amount of Remuneration as the last-mentioned Commissioners may sanction and direct, subject to the Approval aforesaid; *and the Sums from Time to Time becoming due and payable to the said Persons in respect of their Services shall be paid to them out of Monies to be provided by Parliament for that Purpose.*

and determine Amount of Remuneration.

Remuneration to be paid out of Monies to be provided by Parliament.

6. The Town Clerk of every City and Borough in England and Wales shall, with all convenient Speed after *the passing of this Act*, provide within the Limits of every such City and Borough, or Place sharing in the Election for the same, to the Satisfaction of the said Civil Service Commissioners, fit and convenient Offices and Apartments, and all other Matters and Things that may be requisite and convenient for the due Conduct of the Examinations under this Act.

Town Clerks to provide Offices, &c. for Examinations.

7. The said Civil Service Commissioners shall from Time to Time issue such written or printed Instructions to the Assistant Examiners or others appointed to conduct the Examinations under this Act, as they may deem proper for the efficient Conduct thereof, fixing the Time allowed for every such Examination, and giving such other Directions in relation thereto as they may consider necessary, and every such Examination shall be conducted in strict Conformity with the Instructions so issued.

Civil Service Commissioners to issue Instructions for Conduct of Examinations.

8. Every Candidate for a Certificate of Educational Qualification under this Act, before being permitted to be examined, shall deliver or transmit, by registered Letter through the Post, to the said Civil Service Commissioners at their Office for the Time being in London, an Application in Writing under his Hand, and dated of the Day on which the same shall be signed by him, requesting to be examined for the Purpose of obtaining such Certificate; and every such Application may be according to the Form numbered 1 in the Schedule to this Act; and the said Candidate shall deliver or transmit in manner aforesaid, together with such Application, a Declaration under his Hand stating that he the said Candidate has continually resided in the City or Borough in which he seeks to be registered as a Voter, or in a Place sharing in the Election of a Member or Members of Parliament for the same, for Six Calendar Months next previous to the Date of his Application to the said Commissioners, and has not been in receipt of Parochial Relief, or other Alms which by the Law of Parliament disqualify from

Candidates for Examination to make Application to Civil Service Commissioners in London.

Declaration that Candidate has resided in City, &c. Six Months before Application;

negativing Receipt of Parochial Relief.

voting in the Election of Members to serve in Parliament, for Twelve Calendar Months next previous to the Date aforesaid; and such Declaration may be according to the Form numbered 2. in the said Schedule, or to the like Effect.

Civil Service Commissioners to appoint Time and Place for Examination not later than Four Calendar Months after Receipt of Application.

Written Notice to the Town Clerk.

Town Clerk to give public Notice thereof Eight Days after Receipt of Notice from Commissioners and Twenty-eight Days before Day of Examination.

9. The said Civil Service Commissioners shall, with all convenient Speed after the Receipt of any such Application appoint a Day, being not later than Four Calendar Months after the Receipt thereof, for the Examination of the Candidate by whom the same shall have been made, and of any others whose Examination may in their Judgment be properly and conveniently held at the same Time and Place, and shall give written Notice thereof to the Town Clerk of the City or Borough for which the said Candidate seeks to be registered as a Voter; and the Town Clerk shall, within Eight Days after Receipt of the said Notice from the said Commissioners, and Twenty-eight Days before the Day of Examination, give public Notice thereof by Advertisement in One or more of the principal Newspapers circulating in the County in which the said City or Borough, or Place sharing in the Election for the same, may be situate, stating the Names of the several Candidates and the Time and Place appointed for their Examination, and shall also within the same Period affix a Copy of the last-mentioned Notice upon some conspicuous Building in such City, Borough, or Place; and such Notice may be according to the Form numbered 3. in the said Schedule, or to the like Effect.

Before Candidate admitted to Examination he must pay One Shilling to Town Clerk.

Monies collected by Town Clerk to be paid over as directed by Act.

10. Before any Candidate shall be permitted to be examined under the Provisions of this Act he shall pay to the Town Clerk the Sum of One Shilling, and the Town Clerk is hereby required to attend at the Time and Place appointed for commencing such Examination for the Purpose of demanding and receiving the said Sum; and all Monies received by the Town Clerk under this Enactment shall be paid over by him in manner herein-after directed.

Civil Service Commissioners to supply Examination Papers for Purposes of Examination;

to be marked with Names of Candidates;

11. At every Examination to be held under this Act the Answers to the Questions proposed, and the Exercises set for testing the Proficiency of the Candidates, shall be written and performed on Examination Papers to be supplied by the said Civil Service Commissioners, who are hereby required to forward, before the Day of Examination, to the Assistant Examiner or Examiners appointed to conduct the same, a sufficient Number of Examination Papers for the Use of the several Candidates; and each Set of Papers shall be previously marked with the Christian Name and Surname in full of the Candidate for whose Use the same shall be intended;

and the said Commissioners shall cause the said Examination Papers to be enclosed in a sealed Packet addressed to the Assistant Examiner or Examiners, and at the Time and Place appointed for the said Examination the said Assistant Examiner or Examiners shall open such Packets in the Presence of the Candidates then and there assembled, and shall deliver to each Candidate the Examination Papers marked with his Name.

and transmitted to Assistant Examiners in sealed Packets.

Examination Papers to be collected and transmitted in sealed Packets to Civil Service Commissioners in London.

12. At the Expiration of the Time allowed for the Performance of the Work appointed for testing the Proficiency of the several Candidates the Examination Papers of each Candidate shall be subscribed by him with his Christian Name and Surname in full, and the whole of the Examination Papers shall be thereupon collected by the Assistant Examiner or Examiners, who shall forthwith, in the Presence of the Candidates then and there assembled, enclose the same in a Packet, and seal such Packet with a Seal to be provided by the said Civil Service Commissioners for that Purpose, and shall then transmit the same to the said Commissioners at their Office in London.

Examination Papers to be inspected and reported on by Examiners in London, and submitted to Civil Service Commissioners.

Certificates of Educational Qualification to be prepared for Delivery to Candidates who have passed Examination.

13. Such One or more of the Examiner or Examiners either permanently or occasionally employed under the Civil Service Commission in London as shall be directed by the said Civil Service Commissioners shall, as speedily as may be after Receipt of the said Examination Papers at the said Office, proceed to an Inspection thereof, and shall submit the same, together with their Report thereon, to the said Commissioners, who shall upon a Consideration of such Papers and Report decide upon the Sufficiency of each Candidate's Examination, and shall cause to be prepared, according to the Form numbered 4. in the said Schedule, or to the like Effect, Certificates of Educational Qualification to be delivered in manner herein-after provided to such of the said Candidates as shall in their Judgment have passed the said Examination in a satisfactory Manner, and such Certificates shall be signed by the said Commissioners or any Two of them.

Unsuccessful Candidates may after Interval of Twelve Months again apply to be examined.

14. It shall be competent for any Candidate who may have failed in passing any such Examination, on duly complying with the Provisions of this Act, to apply, at any Time after the Expiration of Twelve Calendar Months from the Date of his last Application, to be again examined, and so from Time to Time in any subsequent Year.

Certificates to be transmitted to Town Clerk.

15. The said Certificates of Educational Qualification shall, within Two Calendar Months after receipt of the respective

Examination Papers at the said Office as aforesaid, be transmitted by the said Commissioners to the Town Clerk of the City or Borough in which the respective Candidates seek to be registered as Voters; and the Town Clerk shall, within Fourteen Days after Receipt of the same, give public Notice thereof by Advertisement, according to the Form numbered 5. in the said Schedule, in One or more of the principal Newspapers circulating in the County in which the City, Borough, or Place sharing in the Election for the same may be situate; and shall also, within the same Period, affix a Copy of such Notice upon some conspicuous Building within such City, Borough, or Place, stating the Names of the Candidates entitled to Certificates, and the Time and Place at which the same may be obtained.

Town Clerk to give public Notice stating Names of successful Candidates, and when and where Certificates may be obtained.

Town Clerk to cause Certificates to be transcribed in a Book to be called the "Register of Educational Certificates."

16. The Town Clerk shall forthwith upon Receipt of the said Certificates of Educational Qualification cause the same to be fairly transcribed in chronological Order in a Book to be by him provided and kept for that Purpose, to be called "The Register of Educational Certificates," and shall prepare or cause to be prepared an Index to such Book for ready and convenient Reference, and shall produce such Book and Index to the Revising Barrister appointed to revise the Lists of Voters for the City or Borough for the current Year at the opening of the First Court to be by him held for that Purpose; and the said Town Clerk shall at all convenient Times previous to the holding of such Court, and after the Revision of the Lists of Voters aforesaid, permit such Book to be perused by any Person applying without Payment of any Fee, and shall deliver written or printed Copies of any Certificate transcribed in the said Book in manner aforesaid to any Person applying for the same on Payment of a Price for each Copy after the Rate specified in the Table numbered 14. in the said Schedule; and a Copy of any such Certificate purporting to be signed by the Town Clerk for the Time being shall be taken in Evidence in any Court, without Proof of the Signature of the said Town Clerk, in any Proceeding in which the original Certificate would have been receivable in Evidence, and the Town Clerk shall safely keep and hand over the said Book to his Successor in the Office of Town Clerk.

Register to be inspected without Payment of Fee.

Copies of Certificates to be supplied after Rate specified in Table in Schedule.

Copies of Certificates purporting to be signed by Town Clerk receivable in Evidence.

Town Clerk to deliver Certicate to Person named therein on Payment of One Shilling and Sixpence.

17. The Town Clerk shall deliver each of the said Certificates of Educational Qualification to the Person named therein on Application made by him in that Behalf conformably to the Notice herein-before referred to, and on Payment for the same by such Person of the Sum of *One Shilling and Sixpence;* and shall thereupon make or cause to be made in the "Register of Educational

Certificates" aforesaid an Entry to the Effect that such Certificate has been delivered to the Person named therein; and all Sums received by the Town Clerk under this Enactment shall be paid over by him in manner herein-after directed.

Sums received by Town Clerk to be paid over as directed by Act.

18. The Town Clerk of every City and Borough in England and Wales shall, on or before the *last Day of July* in every Year, make out or cause to be made out, according to the Form numbered 6. in the said Schedule, or to the like Effect, an alphabetical List of the several Persons entitled to vote in the Election of Members to serve in Parliament for any such City or Borough by virtue of Certificates of Educational Qualification under the Provisions of this Act, and shall include in such List the Name of every Person mentioned in any such Certificate which he shall have received from the said Civil Service Commissioners at any Time subsequent to the *Twentieth Day of July* in the Year preceding; and the several Provisions contained in the Fourteenth Section of the Act Sixth of Victoria, Chapter Eighteen, with respect to the List therein mentioned, shall be applicable to the List hereby directed.

Town Clerk to prepare before last Day of July List of Persons holding Certificates.

Provisions of 6 Vict. c. 18. s. 14. applicable to List hereby directed.

19. Every Person entitled to vote in the Election of Members for any City or Borough by virtue of any such Certificate as aforesaid, whose Name shall have been omitted from any such List of Voters, shall, on or before the *Twenty-fifth* Day of August next ensuing, give or cause to be given to the Town Clerk a Notice according to the Form numbered 7. in the said Schedule, or to the like Effect; and the Town Clerk shall include the Names of all Persons by whom Notice shall have been given conformably to this Provision in a List according to the Form numbered 8. in the said Schedule; and the several Directions contained in the Fifteenth, Sixteenth, Seventeenth, and Eighteenth Sections of the Act Sixth of Victoria, Chapter Eighteen, shall, so far as the same shall be applicable, be observed with respect to the List hereby directed.

Persons whose Names omitted from List to give Notice of Claim to Town Clerk.

Town Clerk to prepare List of Claimants.

Certain Provisions of 6 Vict. c. 18. to apply to List.

20. In case any Person registered as a Voter for any City or Borough by virtue of a Certificate of Educational Qualification under this Act shall change his Place of Residence from One Part of such City or Borough, or Place sharing in the Election for the same, to some other Place of Residence within such City, Borough, or Place, he shall within Fourteen Days after every such Change of Residence give written Notice thereof according to the Form numbered 9. in the said Schedule, or to the like Effect, to the Town Clerk of such City or Borough, who shall insert the new Place of Residence of such Person opposite his Name in the "Register of Educational Certificates" aforesaid, and shall keep all Notices so received

Persons changing Place of Residence to give Notice to Town Clerk.

Town Clerk to insert new Place of Residence in "Register of Educational Certificates;"

to produce Notice before Revising Barrister.

Revising Barrister to insert last Place of Residence in List of Voters.

received by him in some secure Place of Deposit, and produce the same to the Revising Barrister at the First Court to be by him held for the Revision of the List of Voters for the said City or Borough for the current Year, and the Revising Barrister shall insert in the List in which the Name of such Person appears the Place of Abode mentioned in the Notice last served upon the Town Clerk pursuant to this Provision.

Where Party omits to give Notice of change of Residence any Person on List of Voters may serve Notice of Objection upon Town Clerk and Party omitting.

Notice of Objection to be served Fourteen Days before First Court for Revision of List of Voters.

Revising Barrister may strike out Name of Party guilty of Omission, or retain it with or without Costs.

21. In case any such Person shall omit to give Notice to the Town Clerk in manner aforesaid, it shall be lawful for any Person whose Name shall be upon the List of Voters for such City or Borough for the Time being to serve Notice of Objection upon the Town Clerk, stating the Fact of such Omission, and also to serve upon the Person so omitting a Copy of the said Notice, and every such Notice may be according to the Form numbered 10. in the said Schedule, or to the like Effect; and the said Notice and Copy shall be served upon the said Town Clerk and Person respectively Fourteen Days before the Day appointed by the Revising Barrister for the Revision of the Lists of Voters for the City or Borough, and the Town Clerk shall produce to the Revising Barrister at the First Court to be by him held for the Revision aforesaid the Notice so served upon him; and it shall be lawful for the said Barrister, upon due Proof of the Service of the Copy of the Notice aforesaid upon the said Person, or at his last known Place of Abode, either to strike out the Name of such Person from the List of Voters, or to retain his Name in such List, and insert therein the then true Place of Abode of the Person so objected to, with or without Costs, as he shall in that Behalf determine; provided that the Costs to be awarded by the said Barrister shall in no Case exceed the Sum of *Twenty Shillings.*

Persons registered ceasing to reside within Borough &c. to give Notice to Town Clerk within Twenty-one Days.

Town Clerk to produce Notice to Revising Barrister.

Barrister to expunge Names from List of Voters, and sign Certificate to that Effect.

22. Every Person registered as a Voter by virtue of a Certificate of Educational Qualification under this Act who shall cease to reside within the Limits of the City or Borough for which he is registered, or of a Place sharing in the Election for the same, shall, within *Twenty-one* Days after so ceasing to reside, give written Notice thereof under his Hand to the Town Clerk of the said City or Borough, who shall produce such Notice to the Revising Barrister at the First Court to be by him held for the Revision of the Lists of Voters within such City or Borough for the current Year; and the said Barrister shall, upon Production of such Notice, expunge the Name of such Person from the List of Voters for such City or Borough, and shall deliver to the said Person, or to some Person duly authorized by him in Writing to receive the same, a Certificate under the Hand of him the said Barrister, according to the Form numbered 11. in the said Schedule, or to the like Effect, stating that the Name of the said Person has been expunged from the List of Voters of the City or Borough aforesaid; and in case any Person so ceasing to reside shall omit to give such Notice as aforesaid he shall be liable to a Penalty not exceeding *Five Pounds*, to be recovered by a summary Proceeding before a Justice of the Peace in manner provided by the Act Eleventh and Twelfth of Victoria, Chapter Forty-three.

Person omitting Notice liable to Penalty.

A Person whose Name is struck out from the List of any City or Borough entitled to be placed on Register of another on giving Notice to the Town Clerk.

23. Every Person whose Name has been expunged from the List of Voters for any City or Borough in manner aforesaid shall, subject to the Provisions of this Act, be entitled to be registered as a Voter and to vote in the Election of a Member or Members to serve in Parliament for any other City or Borough in England or Wales on giving written Notice under his Hand on or before the *Twenty-fifth* Day of *August* in any Year, according to the Form numbered 12. in the said Schedule, or to the like Effect, to the Town Clerk thereof, and delivering or transmitting to him, together with such Notice, his Certificate of Educational Qualification under the Hand of the said Civil Service Commissioners, or a Copy thereof purporting to be signed by the Town Clerk in whose Custody the "Register of Educational Certificates" in which a Copy thereof is entered pursuant to the Direction herein-before contained may be, and the said Certificate of the Revising Barrister stating that his Name has been expunged from the List of Voters of the first-named City or Borough in manner aforesaid: Provided that no Person shall be registered as a Voter or vote in the Election of a Member or Members to serve in Parliament for any City or Borough unless he shall have been continually resident within such City or Borough, or Place sharing in the Election of a Member or Members for the same, for *Six* Calendar Months next before the Time of giving the said Notice.

Six Months Residence essential.

Monies received by Town Clerk under Tenth and Seventeenth Sections to be paid to the Cash account of the Paymaster General.

24. The Town Clerk of every City and Borough in England and Wales shall pay over all Monies received by him under the Provisions contained in the Tenth and Seventeenth Sections of this Act, at such Times as the Lords Commissioners of Her Majesty's Treasury shall direct, to the Account of the Exchequer at the Bank of England.

Expenses of Town Clerk to be certified by Revising Barrister.

25. A separate Account of all Expenses incurred by the Town Clerk of any City or Borough in carrying into effect the Provisions of this Act shall be kept by such Town Clerk, and he shall lay the same before the Revising Barrister upon the Completion of the Revision of the Lists of Voters for such City or Borough for the

Sum certified to be paid out of Monies voted by Parliament.

current Year; and such Barrister shall sign and give to the said Town Clerk a Certificate of the Sum which he shall allow to be due to him in respect of the said Expenses; *and the said Town Clerk shall transmit such Certificate to the Lords Commissioners of Her Majesty's Treasury, who shall make an Order for Payment of the Sum mentioned in such Certificate to the Town Clerk, and every such Sum shall be paid out of Monies to be provided by Parliament for that Purpose.*

Any Person personating a Voter or forging or falsifying Certificate, &c., and Aiders and Abettors, guilty of Misdemeanor.

26. Every Person who at any Election of a Member or Members to serve in Parliament for any City or Borough shall knowingly personate and falsely assume to vote in the Name of any Person whose Name appears in the Register of Voters for such City or Borough then in force by virtue of the Right to vote conferred by this Act, whether such Person be alive or dead, and every Person who shall falsely and fraudulently assume to vote at any Election for any City or Borough after ceasing to reside within the Limits thereof, or of some Place sharing in the Election for the same, and every Person who shall falsely and fraudulently forge, counterfeit, or alter any Certificate of Educational Qualification, or utter the same knowing it to be forged, counterfeited, or altered, and any Person falsely or fraudulently signing any Declaration required for the Purposes of this Act, or delivering or transmitting as genuine any false or falsified Declaration, knowing the same to be false or falsified, and any Person knowingly and wilfully making any false Declaration of Fact in any Declaration under this Act, and every Person aiding, abetting, counselling, or procuring the Commission of any such Offence, shall be guilty of a Misdemeanor, and on Conviction shall be punished by Imprisonment for any Term not exceeding *Two Years*, together with Hard Labour.

Meaning of Expression "Town Clerk."

27. Throughout this Act the Expression "Town Clerk" shall have the same Signification as in the said Act of the Sixth Year of Victoria, Chapter Eighteen.

Extent to which Provisions of 6 Vict. c. 18. applicable.

28. The Provisions of the said Act Sixth of Victoria, Chapter Eighteen, shall, except where herein otherwise expressly provided, and except where the same shall be inconsistent with the Provisions of this Act, be applicable to the Registration of Persons entitled to vote, and to the Right of voting hereby conferred, in like Manner as they are now applicable to Registration and the Right of voting under that Act.

SCHEDULE to which this Act refers.

FORMS.

No. 1.

Application to Civil Service Commissioners by a Person desirous of being examined.

To Her Majesty's Civil Service Commissioners.

I now residing in the City [*or* Borough] of (*or* in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of ,) (*Trade or Calling*), do hereby make Application and notify to you that I am desirous of being examined in the said City [*or* Borough *or* Place] for the Purpose of obtaining a Certificate of Educational Qualification under the Provisions of the Act Victoria, Chapter

Dated this Day of 18

(Signed) *A.B.*

No. 2.

Declaration to accompany Application to Commissioners.

I now residing at in the City [*or* Borough] of (*or* at in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of), do hereby solemnly declare that I have continually resided in the said City [*or* Borough *or* Place] for *Six* Calendar Months next previous to the Date hereunder written, and that I have not been in receipt of Parochial Relief, or other Alms which by the Law of Parliament disqualify from voting for Members to serve in Parliament, for *Twelve* Calendar Months next previous to the Date aforesaid.

Dated this Day of 18

(Signed) *A.B.*

No. 3.

Notice of Time and Place appointed by the Commissioners for the Examination of Candidates to be given by the Town Clerk.

I, the undersigned, do hereby give Notice that, pursuant to a Notice from Her Majesty's Civil Service Commissioners directed to me, bearing date the Day of 18 , the Examination of the under-mentioned Candidates for Certificates of Educational Qualification under the Provisions of the Act of the Year of the Reign of Queen Victoria, Chapter , is appointed to commence at o'Clock on the Day of now next ensuing, at in the City [*or* Borough] of (*or* in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of ,) and such of the said Candidates as are desirous of proceeding to their Examination are hereby requested to be in attendance at the said Time and Place.

(Signed) *A.B.*

Town Clerk of the City [*or* Borough] of .

Christian Name and Surname of each Candidate at full Length.	Place of Residence.

No. 4.

Certificate of Educational Qualification to be given by the Commissioners.

We, Her Majesty's Civil Service Commissioners [*or* being Two of Her Majesty's Civil Service Commissioners], do hereby certify that of has passed a satisfactory Examination under the Provisions of the Act of the Year of Her Majesty, Chapter , in the City [*or* Borough] of (*or* at being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of), and that the said is entitled to be registered as a Voter in the Election of a Member [*or* Members] to serve in Parliament for the said City [*or* Borough].

(Signed)

} Civil Service Commissioners.

No. 5.

Notice of Time and Place at which Certificates may be obtained to be given by the Town Clerk.

I, the undersigned, hereby give Notice that Certificates of Educational Qualification have been issued by Her Majesty's Civil Service Commissioners for Delivery to the respective Persons whose Names are hereunder written, pursuant to the Provisions of the Act of the Year of the Reign of Her Majesty, Chapter ; and that the said Certificates may be obtained by the Parties severally entitled thereto, on Application for that Purpose at my Office situate on and after the Day of between the Hours of and , and on Payment in respect of each Certificate of the Sum of *One Shilling and Sixpence.*

(Signed) *A.B.*
Town Clerk of the City [*or* Borough] of .

No. 6.

List of Persons holding Certificates to be published by the Town Clerk.

The List of Persons entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of by virtue of Certificates of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter .

Christian Name and Surname of each Person at full Length.	Place of Residence.

(Signed) *A.B.*
Town Clerk of the City [*or* Borough] of .

No. 7.

Notice of Claim by Person omitted from List of Voters to be given to the Town Clerk.

I hereby give you Notice that I claim to have my Name inserted in the List made by you of Persons entitled by virtue of Certificates of Educational Qualification to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of under the Provisions of the Act of the Year of Queen Victoria, Chapter , and that I reside at Street in the City [*or* Borough] aforesaid, (*or* at in being a Place sharing in the Election of a Member [*or* Members] of Parliament with the City [*or* Borough] of).

Dated this Day of 18 .

(Signed) *A.B.*

No. 8.

List of Claimants to be published by the Town Clerk.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough of , by virtue of Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter .

Christian Name and Surname of each Person at full Length.	Place of Residence.

No. 9.

Notice of Change of Residence to be given to the Town Clerk.

I, the undersigned, being a Person entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter did on the Day of now last past remove from in the said City [*or* Borough], (*or* from in being a Place sharing in the Election of a Member [*or* Members] of Parliament for the said City [*or* Borough],) and that my present Place of Residence is at in the same City [*or* Borough *or* Place].

Dated this Day of 18 .

(Signed) *A.B.*

No. 10.

Notice to Town Clerk that Person has omitted to give Notice of Change of Residence.

To the Town Clerk of the City [*or* Borough] of .

I hereby give you Notice that being a Person registered as a Voter for the City [*or* Borough] of by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter did on the Day of now last past remove from his then Residence at in the said City [*or* Borough], (*or* at in being a Place sharing in the Election of a Member [*or* Members] of Parliament for the said City [*or* Borough],) and that he the said omitted to give Notice to you the said Town Clerk of such his Removal within Three Days thereafter, contrary to the Provisions of the said Act; and that I shall attend at the First Court to be held for the Revision of the Lists of Voters for the said City [*or* Borough] for the current Year, and shall then and there be prepared to support the said Objection.

Dated this Day of 18 .

(Signed) *A.B.*

Of in the said City [*or* Borough *or* Place], a Person registered as a Voter for the said City [*or* Borough].

No. 11.

Notice by Person registered as a Voter of ceasing to reside within City or Borough, or Place sharing in the Election for the same, to be given to Town Clerk.

I, the undersigned, being a Person now registered as a Voter for a Member [*or* Members] of Parliament for the City [*or* Borough] of by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of Queen Victoria, Chapter , do hereby give you Notice that I did on the Day of now last past cease to reside within the Limits of the said City [*or* Borough], and of any Place sharing in the Election of a Member [*or* Members] to serve in Parliament for the same.

(Signed) *A.B.*

Late of

now residing at

No. 12.

Certificate of Revising Barrister that Person's Name expunged from List of Voters.

I, the undersigned, being the Revising Barrister duly appointed to revise the Lists of Voters for the City [*or* Borough] of for the current Year, do hereby certify that of whose Name lately appeared on the Register of Voters for the said City [*or* Borough] by virtue of a Certificate of Educational Qualification under the Provisions of the Act of the Year of the Reign of Her Majesty Chapter , did on the Day of now last past cease to reside within the Limits of the said City [*or* Borough], and of any Place sharing in the Election for the same, and that his Name has this Day been expunged by me from the List of Voters for the said City [*or* Borough] in conformity with the Directions contained in the said Act.

Given under my Hand this Day of 18 at

(Signed) *A.B.*

No. 13.

Notice by Person desirous of being registered as a Voter for some other City or Borough.

To the Town Clerk of the City [*or* Borough] of .

I hereby claim to be registered as a Voter for a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of in respect of a Certificate of Educational Qualification under the Act of the Year of Queen Victoria, Chapter dated the Day of ; and I hereby give you Notice that my Name was on the Day of duly expunged from the List of Voters for the City *or* Borough] of in consequence of my ceasing to reside within the Limits of such last-named City [*or* Borough], and of any Place sharing in the Election for the same: And I solemnly declare that I have been continually resident within the City [*or* Borough] first above-mentioned, (*or* in being a Place sharing in the Election for the City [*or* Borough] first above-mentioned,) for *Six* Calendar Months next before the Date hereunder written.

Dated this Day of 18 .

Signed (*A.B.*)

now residing at .

No. 14.

Table of Rates of Payment to be demanded and paid for Copies of Certificates of Educational Qualification.

For Copy of a single Certificate		6*d.*
For Copies of several Certificates, not exceeding 25	each	4*d.*
For Copies exceeding 25 and not exceeding 100	,,	3*d.*
For Copies of any Number exceeding 100	,,	2*d.*

[To be substituted for the
Bill [101] already delivered.]

Elective Franchise.

A

B I L L

To extend the Elective Franchise for Cities and Boroughs in England and Wales.

(*Prepared and brought in by*
Mr. Clay, Mr. George Clive, and Mr. Gregory.)

Ordered, by The House of Commons, *to be re-Printed,*
13 *April* 1866.

[Bill 101.]

Under 3 oz

A

BILL

TO

Amend the Law of Entail in Scotland.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. That it shall be lawful for any Heir of Entail, being of full Age and in possession of an Entailed Estate in Scotland holden by virtue of any Tailzie dated on or after the *First Day of August One thousand eight hundred and forty-eight*, to acquire such Estate in whole or in part in Fee Simple, or to sell, alienate, dispone, charge with Debts or Incumbrances, lease, feu, and excamb such Estate in whole or in part, with such and the like Consents, and in such Way and Manner as by the Act Eleven and Twelve Victoria, Chapter Thirty-six, intituled "An Act for the Amendment of the Law of "Entail in Scotland," would enable him to disentail, sell, alienate, dispone, charge with Debts or Incumbrances, lease, feu, and excamb such Estate in whole or in part, if Holder under a Tailzie dated prior to the said First Day of August One thousand eight hundred and forty-eight.

Enabling Heir of Entail in possession of entailed Estate to acquire such Estate in Fee Simple, &c.

11 & 12 Vict. c. 36.

2. Except as hereby altered, the whole Provisions contained in the said Act Eleven and Twelve Victoria, Chapter Thirty-six, and in the Act Sixteen and Seventeen Victoria, Chapter Ninety-four, intituled

Acts 11 & 12 Vict. c. 36. and 16 & 17 Vict. c. 94.

as herein altered to apply to this Act.

intituled "An Act to extend the Benefits of the Act of the "Eleventh and Twelfth Years of Her present Majesty for the "Amendment of the Law of Entail in Scotland," shall remain in full Force and Effect and be applicable to this Act.

Short Title.

3. This Act may be cited for all Purposes as "The Entail (Scotland) Amendment Act, 1866."

Entail (Scotland).

A

B I L L

To amend the Law of Entail in Scotland.

(Prepared and brought in by
Mr. Henry Baillie, Mr. Edward Craufurd, and
Sir William Stirling-Maxwell.)

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1866.

[Bill 45.]

Under 1 *oz.*

Exchequer and Audit Departments Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Short Title; Sect. 1.

Definition of Terms; 2.

Her Majesty may appoint Commissioners; Salaries; 3.

Vacancies may be filled up; 4.

Salaries; Pensions; 5.

On Death of Comptroller and Auditor General, &c., Successor to be appointed; 6.

Quorum; 7.

Commissioners, &c. not to sit in Parliament; 8.

Treasury to appoint Officers, Clerks, &c., and to regulate Numbers and Salaries; 9.

The Commissioners to promote, suspend, or remove Clerks, &c., and to make Regulations subject to Approval; 10.

Gross Revenues to be paid to Exchequer; 11.

Moneys to form One Fund in the Books of the Banks applicable to Exchequer Issues; 12.

No Bill of Exchange drawn for the Public Service to be payable at Bank of England or of Ireland after Three o'Clock in the Afternoon; 13.

Quarterly Accounts of the Income and Charge of the Consolidated Fund to be prepared; Deficiency of the Consolidated Fund; 14.

Credits to be granted to the Treasury for Consolidated Fund Services; Supplemental Credits for Services charged on the growing Produce; Issues to Principal Accountants; Daily Advices of Issues to be sent to Exchequer and Audit Commissioners; 15.

Royal Order for Supply Services; 16.

Credits for Supply Services; Issues to Principal Accountants; 17.

Treasury to determine what Accounts shall be deemed Public Accounts; 18.

Treasury to prepare Accounts showing Surplus Income applicable to Reduction of the National Debt; 19.

Annual Accounts of Issues for Consolidated Fund Services to be prepared and audited for Parliament; 20.

Certain Payments under Contracts or Leases to be made by the Paymaster General; 21.

Treasury may direct Consolidation of Accounts at the Banks; 22.

Accounts of Stock may be opened in the Books of the Banks under official Description of Public Officers; the Banks may be authorized to receive Dividends and sell Stock; 23.

APPROPRIATION ACCOUNTS.

Annual Accounts of the Appropriation of Public Money to be prepared for the House of Commons; 24.

Each Department to keep such Books of Account as may be prescribed by the Treasury; 25.

Description of Accounts; 26.

A Balance Sheet, if thought necessary by the Exchequer and Audit Commissioners, or a Statement showing the Disposition of the Balance to accompany the Appropriation Account; 27.

The Appropriation Account to be accompanied by a Statement explaining Disposal of Balances and Cause of Excesses; 28.

The Commissioners to have access to Books of Account, &c. in the accounting Departments; 29.

In what Manner the Examination of Appropriation Accounts shall be conducted by the Commissioners; 30.

How the Vouchers included in Schedule (B.) of an Appropriation Account shall be examined; 31.

How other Vouchers are to be examined; 32.

Objections made by the Commissioners in the Course of the Examination to be reported to the accounting Department, and in certain Cases to the Treasury; 33.

What Reports the Commissioners shall prepare for Submission to Parliament; 34.

ACCOUNTS OTHER THAN APPROPRIATION ACCOUNTS.

Accounts other than Appropriation Accounts to be examined under Treasury Directions by the Exchequer and Audit Commissioners; 35.

By whom such Accounts shall be rendered; 36.

Accountants to transmit their Accounts and Vouchers to the Commissioners under Regulations to be prescribed by them with the Approval of the Treasury; 37.

Examination and passing of Accounts; 38.

Vouchers may be allowed though not stamped; 39.

Certificates of Discharge to be delivered to Accountants; 40.

Declaration of Accounts before the Chancellor of the Exchequer abolished; 41.

Examination and passing of Store Accounts; 42.

Adjustment of Balances on Accounts, and when Interest may be charged on such Balances; 43.

Where the Estate of a Public Accountant is sold under Writ of Extent, and the Purchase Money paid, the Purchaser to be exonerated; 44.

Accountants to have in all Cases a Right of Appeal to the Treasury; 45.

Saving all existing Rights of the Crown; 46.

The Examination, by the Commissioners, of Accounts, not being Accounts of Public Money, may be dispensed with by the Treasury; 47.

Acts in Schedule (C.) to be repealed; 48.

Commencement of Act; 49.

SCHEDULES.

A

B I L L

TO

Consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof.

WHEREAS it is expedient to consolidate the Powers and Duties of the Comptroller of Her Majesty's Exchequer and of the Commissioners for auditing the Public Accounts, and to unite in One Department the Business hitherto conducted by the separate Establishments under them; and to make other Provisions for the more complete Examination of the Public Accounts of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Public Moneys and Accounts Act, 1866." Short Title.

Definition of Terms.

2. In this Act "the Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or any Two or more of them; "the Commissioners" shall mean the Commissioners for the Receipt and Issue of Her Majesty's Exchequer, and for the Audit of the Accounts of the United Kingdom; "the Bank of England" shall mean the Governor and Company of the Bank of England; "the Bank of Ireland" shall mean the Governor and Company of the Bank of Ireland; "the National Debt Commissioners" shall mean the Commissioners for the Reduction of the National Debt; "the Admiralty" shall mean the Commissioners for executing the Office of Lord High Admiral for the Time being, or any Two or more of them; "Principal Accountants" shall mean those who receive Issues directly from the Accounts of Her Majesty's Exchequer at the Banks of England and Ireland; "Sub-Accountants" shall mean those who receive Advances, by way of Imprest, from Principal Accountants, or who receive Fees or other Public Moneys through other Channels.

Her Majesty may appoint Commissioners.

3. At any Time within Twelve Months after the passing of this Act it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of the United Kingdom, to nominate and appoint the Persons who shall at that Time hold the Offices of Commissioners for auditing the Public Accounts, to be "the Commissioners for the Receipt and Issue of Her Majesty's Exchequer, and for the Audit of the Accounts of the United Kingdom" and such Commissioners shall hold their Offices during good Behaviour, subject, however, to their Removal therefrom by Her Majesty, Her Heirs and Successors, on an Address from the Two Houses of Parliament; and Her Majesty may, by such Letters Patent, grant to the Persons therein named the following Salaries; that is to say,

Salaries.

To the Person first-named in such Letters Patent, who shall be Chairman of the Commission, and shall have been, before the Issue of such Letters Patent, Chairman of the Board of Audit and Comptroller General of the Exchequer, a Salary of Two thousand Pounds per Annum; and to each of the other Commissioners a Salary of One thousand two hundred Pounds per Annum; and such Salaries shall be charged upon and paid out of the Consolidated Fund of the United Kingdom.

On such Appointment of Commissioners the present Letters Patent of Appointments of Comptroller General of the Exchequer and of Commissioners of Audit shall be revoked, and the present Offices of Comptroller General of the Exchequer and Commissioners of Audit shall be abolished.

4. It shall not be lawful, except in the Case of the Chairman of such Commissioners, to fill up any Vacancy in the present Number of Commissioners which may arise by Death, Resignation, or other legal Avoidance of any such Commissioners, until the Number of Commissioners shall be reduced to Two, including the Chairman of such Commissioners; and when the Number shall be so reduced, the Letters Patent of the Commission shall be revoked, and it shall then be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of the United Kingdom, to appoint the then Chairman of the Commissioners to be "Comptroller and Auditor General," and the remaining Commissioner to be "Assistant Comptroller and Auditor;" and the said Comptroller and Auditor General shall have the same Powers and Authorities, perform the same Duties and be subject to the same Regulations as the Commissioners to be appointed by virtue of this Act. During the Absence of the said Comptroller and Auditor General all the Powers, Authorities, and Duties vested in him by this Act shall devolve upon the Assistant Comptroller and Auditor. The said Comptroller and Auditor General and the Assistant Comptroller and Auditor shall hold their Offices during good Behaviour, subject, however, to their Removal therefrom by Her Majesty, Her Heirs and Successors, on an Address from the Two Houses of Parliament; and they shall not be capable of holding their Offices at the same Time or together with any other Office to be held during Pleasure under the Crown, or under any Officer appointed by the Crown.

Vacancies may be filled up.

5. *Her Majesty may, by such Letters Patent, grant to the Persons therein named the following Salaries; that is to say,*

Salaries.

To the Comptroller and Auditor General a Salary of Two thousand Pounds per Annum, and to the Assistant Comptroller and Auditor a Salary of One thousand five hundred Pounds per Annum; and such Salaries shall be charged upon and paid out of the Consolidated Fund of the United Kingdom or the growing Produce thereof.

It shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent as aforesaid, to grant to any Person who shall have executed the Offices of Comptroller and Auditor General, or Assistant Comptroller and Auditor, and who shall have resigned the same, or been removed from the same for Infirmity, in manner herein-after mentioned, an Annuity or Pension not exceeding One Half of the Salary of his Office to which he shall have been entitled immediately before his Resignation, if he shall have held either, or one after the other, of the said Offices for a Period not less than Fifteen Years, and Two Thirds of his said

Pensions.

Salary if he shall have held either, or one after the other, of the said Offices for a Period not less than Twenty Years: Provided always, that no such Annuity or Pension shall be granted to either of the said Officers unless he be Sixty Years of Age at the least, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant: Provided also, that nothing herein contained shall prevent either of the said Officers from receiving, in lieu of such Annuity or Pension, if he shall so elect, the Amount of Superannuation Allowance to which he would have been entitled, in respect of the full Period during which he shall have served in the permanent Civil Service of the State, under the Provisions of "The Superannuation Act, 1859."

On Death of Comptroller and Auditor General, &c., Successor to be appointed.

6. On the Death, Resignation, or other legal Avoidance of the said Comptroller and Auditor General, or of the Assistant Comptroller and Auditor, Her Majesty, Her Heirs and Successors, may, by Letters Patent as aforesaid, nominate and appoint a Successor, who shall have the same Powers, Authorities, and Duties, and who shall be paid the like Salary out of the Consolidated Fund.

Quorum.

7. Anything which under the Authority of this Act is directed to be done by the aforesaid Commissioners, so far as relates to the granting of Credits on the Exchequer Accounts and the Certificates of the quarterly Deficiency of the Consolidated Fund, shall be done by the Chairman of the Commissioners, or in his Absence by One other Commissioner; and all other Things to be done under this Act by the Commissioners may be done by any One of them.

Commissioners, &c. not to sit in Parliament.

8. Every Commissioner appointed, or any Comptroller and Auditor General or Assistant Comptroller and Auditor at any Time hereafter to be appointed, by virtue of this Act shall, during his Continuance in such Office, be incapable of being elected or of sitting as a Member of the House of Commons.

Treasury to appoint Officers, Clerks, &c., and to regulate Numbers and Salaries.

9. The Treasury shall from Time to Time appoint such Officers, Clerks, and other Persons as shall appear to them to be necessary for conducting the Business of the Exchequer and Audit Department, and they shall regulate the Numbers and Salaries of the respective Grades or Classes into which the said Officers, Clerks, and others shall be divided.

The Commissioners to promote, suspend, or

10. The Commissioners shall have full Power to make Orders and Rules for the Conduct of the internal Business of their Department, and to promote, suspend, or remove any of the Officers, Clerks, remove Clerks, &c., and to make Regulations, subject to Approval.

Clerks, and others employed under them; and to prescribe Regulations and Forms for the Guidance of Principal and of Sub-Accountants in making up, vouching, and rendering their periodical Accounts for Examination: Provided always, that all such Regulations and Forms shall be approved by the Treasury previously to the Issue thereof.

Gross Revenues to be paid to Exchequer.

11. The Commissioners of Customs, the Commissioners of Inland Revenue, and the Postmaster-General shall, after Deduction of the Payments for Drawbacks, Bounties of the Nature of Drawbacks, Repayments, and Discounts, cause the gross Revenues of their respective Departments to be paid, at such Times and under such Regulations as the Treasury may from Time to Time prescribe, to an Account at the Bank of England and at the Bank of Ireland, to be intituled "The Account of Her Majesty's Exchequer," and all other Public Moneys payable to the Exchequer shall be paid to the same Accounts: Provided always, that this Enactment shall not be construed to prevent the Collectors and Receivers of the said gross Revenues and Moneys from cashing, as heretofore, under the Authority of any Act or Regulation, Orders issued for Naval, Military, Revenue, or other Civil Services, repayable to the Revenue Departments out of the Consolidated Fund or out of Moneys provided by Parliament.

Moneys to form One Fund in the Books of the Banks applicable to Exchequer Issues.

12. All Moneys paid into the Bank of England and the Bank of Ireland on account of the Exchequer shall be considered by the Governor and Company of the said Banks respectively as forming One Fund in their Books; and all Orders directed by the Treasury to the said Banks for Issues out of Credits to be granted by the Commissioners, as herein-after provided, for the Public Service, shall be satisfied out of such general Fund; and with a view to economize the Public Balances, the Treasury shall restrict the Sums to be issued or transferred from Time to Time to the Credit of Accounts of Principal Accountants at the said Banks, as herein-after provided, to such total Sums as they may consider necessary for conducting the current Payments for the Public Service intrusted to such Principal Accountants; and the said Principal Accountants may consider the Sums so transferred to their Accounts as constituting Part of their general drawing Balance applicable to the Payment of all the Services for which they are accountable; but such Sums shall be carried in the Books of such Accountants to the Credit of the respective Services for which the same may be issued, as specified in such Orders: Provided always, that this Enactment shall not be construed to empower the Treasury nor any subordinate Authority to direct the Payment, by any such Principal Accountant, of Expenditure not sanctioned by any Act whereby Services are or may be charged on the Consolidated Fund, or by a Vote of the House of Commons, or by an Act for the Appropriation of the Supplies annually granted by Parliament.

No Bill of Exchange drawn for the Public Service to be payable at Bank of England or of Ireland after Three o'Clock in the Afternoon.

13. No Bill of Exchange drawn on any Public Office or Department for the Public Service, and accepted payable at the Bank of England or Bank of Ireland, nor any Cheque, Draft, or Order, for the Payment of Money, drawn by any Person or Accountant authorized to draw for the Public Service, shall, from and after the Commencement of this Act, be payable at the said Banks at any Time after Three of the Clock in the Afternoon of any Day.

Quarterly Accounts of the Income and Charge of the Consolidated Fund to be prepared.

14. At the Close of each of the Quarters ending on the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year the Treasury shall prepare an Account of the Income and Charge of the Consolidated Fund in Great Britain and in Ireland for such Quarter, and the Charges for the Public Debt due on the Fifth Day of April, the Fifth Day of July, the Tenth Day of October, and the Fifth Day of January shall be included in the Accounts of the said Charge for the Quarters ending on the Days preceding the latter Dates; and a Copy of such Account shall forthwith be transmitted by the Treasury to the Commissioners; and if it shall appear by such Account that the Income of the Consolidated Fund in Great Britain or Ireland for the Quarter is not sufficient to defray the Charge upon it, the Commissioners, if satisfied of the Correctness of the Deficiency, shall certify the Amount thereof to the Bank of England or to the Bank of Ireland, as the Case may be, and upon such Certificates the said Banks shall be authorized to make Advances, from Time to Time, during the succeeding Quarter, on the Application of the Treasury, to an Amount not exceeding in the aggregate the Sums specified in such Certificates; and all such Advances shall be placed to the Credit of the Accounts of Her Majesty's Exchequer at the said Banks, and be available to satisfy the Orders for Credits granted or to be granted upon the said Accounts by the Commissioners; and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund in the said succeeding Quarter.

Deficiency of the Consolidated Fund.

Credits to be granted to the Treasury for Consolidated Fund Services.

15. The Commissioners shall grant to the Treasury, from Time to Time, on their Requisitions authorizing the same, if satisfied of the Correctness thereof, Credits on the Exchequer Accounts at the Banks of England and Ireland, or on the growing Balances thereof, not exceeding the Amount of the Charge in the aforesaid quarterly Account of the Income and Charge of the Consolidated Fund remaining unpaid.

Supplemental Credits for Services charged on the growing Produce.

The said Commissioners shall also grant from Time to Time to the Treasury, on similar Requisitions, supplemental Credits for Services payable under any Act out of the growing Produce of the Consolidated Fund, and not included in the aforesaid quarterly Account; and the Issues or Transfers of Moneys required from Time to Time by the Principal Accountants to enable them to make the Payments intrusted to them, shall be made out of such Credits, on Orders issued to the said Banks, signed by such Officer or Officers as the Treasury may from Time to Time appoint to that Duty, and in all such Orders the Services for which the Issues may be authorized shall be set forth.

Issues to Principal Accountants

Daily Advices of Issues to be sent to Exchequer and Audit Commissioners.

A daily Account of all Issues or Transfers made from the Exchequer Account, in pursuance of such Orders, in which Account the separate Services as above shall be specified, shall be transmitted by the said Banks to the Commissioners.

Royal Order for Supply Services.

16. When any Sum or Sums of Money shall have been granted to Her Majesty by a Resolution of the House of Commons, or by an Act of Parliament, to defray Expenses for any specified Public Services, it shall be lawful for Her Majesty, by Her Royal Order, to authorize and require the Treasury to issue to the Paymaster General, out of the Credits to be granted to them on the Exchequer Accounts as herein-after provided, the Sums which may be required from Time to Time to defray such Expenses, not exceeding the Amount of the Sums so voted or granted.

Credits for Supply Services.

17. When any Ways and Means shall have been granted by Parliament to the Treasury to make good the Supplies granted to Her Majesty by any Act of Parliament or Resolution of the House of Commons, for the Public Service, the Commissioners shall grant to the Treasury, on their Requisition authorizing the same, a Credit or Credits on the Exchequer Accounts at the Bank of England and Bank of Ireland, or on the growing Balances thereof, not exceeding the Amount of the Ways and Means so granted. Out of the Credits so granted to the Treasury Issues shall be made to Principal Accountants from Time to Time on Orders issued to the said Banks, signed by One of the Secretaries of the Treasury, or in their Absence by such Officer or Officers as the Treasury may from Time to Time appoint to that Duty; and the Services or Votes on account of which the Issues may be authorized shall be set forth in such Orders: Provided always, that the Issues for Army and Navy Services

Issues to Principal Accountants.

shall be made under the general Heads of "Army" and "Navy" respectively.

A daily Account of all Issues made from the Exchequer Account in pursuance of such Orders, in which the separate Services and Votes as aforesaid shall be specified, shall be transmitted by the said Banks to the Commissioners.

Treasury to determine what Accounts shall be deemed Public Accounts.

18. The Treasury may from Time to Time determine at what Banks Accountants shall keep the Public Moneys entrusted to them, and they may also determine what Accounts opened in the Names of Public Officers or Accountants in the Books of the Bank of England, of the Bank of Ireland, or of any other Bank, shall be deemed Public Accounts; and on the Death, Resignation, or Removal of any such Public Officers or Accountants the Balances remaining at the Credit of their Accounts shall, upon the Appointment of their Successors, unless otherwise directed by Law, vest in and be transferred to the Public Accounts of such Successors at the said Banks, and shall not, in the event of the Death of any such Public Officers or Accountants, constitute Assets of the Deceased, or be in any Manner subject to the Control of their legal Representatives.

Treasury to prepare Accounts showing Surplus Income applicable to Reduction of the National Debt.

19. Within Fifteen Days after the Expiration of the Quarters ending on the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year, the Treasury shall prepare an Account of the Public Income and Expenditure of the United Kingdom, according to the actual Receipt and Issue of Moneys on the Accounts of Her Majesty's Exchequer at the Bank of England and Bank of Ireland in the Twelve Months ending on such Quarter Days respectively; and if there shall appear by such Account to be a Surplus of Income above Expenditure, the Treasury shall certify the same to the National Debt Commissioners, and One Fourth Part of such Surplus shall be applicable to the Reduction of the National Debt as hereinafter directed; and the National Debt Commissioners shall publish from Time to Time in the London Gazette the Sum which will be so applied in the ensuing Quarter. The Treasury shall cause One Fourth Part of such Surplus Income to be charged on the Consolidated Fund in the Quarter succeeding the Termination of such Account; and the Sum so charged shall be issued by the Treasury from Time to Time in the next ensuing Quarter to the National Debt Commissioners, who shall apply the same, during the said Quarter, in redeeming Funded or Unfunded Debt, or in repaying to the Bank of England or to the Bank of Ireland any Advances made by them, under the Provisions of this Act, towards supplying the Deficiency of the Consolidated Fund during the said Quarter; and all Debt so redeemed shall be forthwith cancelled. And a Copy of every Account prepared by the Treasury as aforesaid, certified by the Exchequer and Audit Commissioners, shall be laid before the House of Commons within Fifteen Days after the Expiration of the said quarterly Periods, if Parliament be then sitting, or if not sitting then within One Week after Parliament shall be next assembled.

Annual Accounts of Issues for Consolidated Fund Services to be prepared and audited for Parliament.

20. The Treasury shall cause an Account to be prepared and transmitted to the Commissioners on or before the Thirtieth Day of September in every Year, showing the Issues made from the Consolidated Fund of Great Britain and Ireland in the Financial Year ended on the Thirty-first Day of March preceding, for the Interest and Management of the Public Funded and Unfunded Debt, for the Civil List, and all other Issues in the Financial Year for Services charged directly on the said Fund; and the Commissioners shall examine and report upon the same with reference to the Acts of Parliament under the Authority of which such Issues may have been directed; and such Accounts and Reports shall be laid before the House of Commons by the Treasury on or before the Thirty-first Day of January in the following Year, if Parliament be then sitting, and if not sitting, then within One Week after Parliament shall be next assembled.

Certain Payments under Contracts or Leases to be made by the Paymaster General.

21. All Debts accruing due under any Contract or Lease now or hereafter entered into or taken for the Public Service, and payable out of the Supplies from Time to Time voted by Parliament to Her Majesty for the Public Service, in any Department for which the Payments are made by the Paymaster General, shall be discharged and paid in manner following; that is to say, such Debts shall be payable on the Order of the Department at the Office of Her Majesty's Paymaster General, and the Payment thereof shall be made by a Draft on the Bank of England, according to the Course and Practice of the said Office, payable to the Persons to whom such Debts may be due, or to their Agents.

Treasury may direct Consolidation of Accounts at the Bank.

22. It shall be lawful for the Treasury, whenever they shall consider it for the Advantage of the Public Service, to direct that the Accounts of any Public Officer or Department, which by any Act or Acts are required to be kept under separate Heads at the Bank of England or at the Bank of Ireland, shall be consolidated in such Manner as they shall judge most convenient for the Public Service.

Accounts of Stock may be opened in the Books of the Banks under official Description of Public Officers.

23. It shall be lawful for the Bank of England and Bank of Ireland, at the Request of the Treasury, signified by One of their Secretaries, for the Public Convenience, to open and keep Accounts of Government Stock and Annuities in the Books of the said Banks under the official Description of any Public Officer for the Time being, without naming him; and the Dividends on such Stock and Annuities may from Time to Time be received, and the Stock and Annuities or any Part thereof to the Credit of such Account may from Time to Time be transferred, by the Officer for the Time being holding such Office, as if such Stock and Annuities stood in his own Name; and upon the Death, Resignation, or Removal of any such Public Officer, the Stock and Annuities standing to the Credit of such Account, and all Dividends thereon, including any Dividends theretofore unreceived, shall become vested in his Successor in Office, and be receivable and transferable accordingly. And any such Public Officer in whose official Description such Government Stock and Annuities may be standing may, by Letter of Attorney, authorize the Bank of England or the Bank of Ireland, or all or any of their Cashiers, to sell and transfer all or any Part of the Stock or Stocks now standing or that may hereafter stand in the Books of the said Banks on such Accounts, and to receive the Dividends due and to become due thereon; but no Stock shall be sold or transferred at the said Banks under the Authority of such general Letter of Attorney, except upon an Order in Writing, signed by One of the Secretaries of the Treasury, directed to the proper Officers of the said Banks.

The Banks may be authorized to receive Dividends and sell Stock.

Appropriation Accounts.

Annual Accounts of the Appropriation of Public Money to be prepared for the House of Commons.

24. On or before the Days specified in the respective Columns of Schedule A. annexed to this Act, Accounts of the Appropriation of the several Supply Grants comprised in the Appropriation Act of each Year shall be prepared by the several Departments and be transmitted to the Commissioners and to the Treasury, and shall be laid before the House of Commons; and such Accounts shall be called the "Appropriation Accounts" of the Moneys expended for the Services to which they may respectively relate; and the Treasury shall determine by what Departments such Accounts shall be prepared and rendered to the Commissioners, and the said Commissioners shall examine and report upon such Accounts as herein-after detailed: Provided always, and it is the Intention of this Act that the Treasury shall direct that the Departments charged with the Expenditure of any Vote under the Authority of the Treasury shall prepare the Appropriation Account thereof: Provided also, that the Term "Department," when used in this Act in connexion with the Duty of preparing said Appropriation Accounts, shall be construed as including any Public Officer or Officers to whom that Duty may be assigned by the Treasury.

Each Department to keep such Books of Account as may be prescribed by the Treasury.

25. A Plan of Account Books and Accounts, adapted to the Requirements of each Service and calculated to exhibit, in a convenient Form, the whole of the Receipts and Payments in respect of each Vote, shall be designed under the immediate Superintendence of the Treasury; and Her Majesty may, by Order in Council, prescribe the Manner in which each Department of the Public Service shall keep its Accounts.

Description of Account.

26. An Appropriation Account of Supply Grants shall exhibit on the Charge Side thereof the Sum or Sums appropriated by Parliament for the Service of the Financial Year to which the Account relates, and on the Discharge Side thereof the Sums which may have actually come in course of Payment within the same Period; and no Imprest or Advance, of the Application of which an Account may not have been rendered and allowed, shall be included on the Discharge Side thereof.

A Balance Sheet, if thought necessary by the Exchequer and Audit Commissioners, or a Statement showing the Disposition of the Balance to accompany the Appropriation Account.

27. The Department charged with the Duty of preparing the Appropriation Account of a Grant, shall, if required so to do by the Commissioners, transmit to them, together with the annual Appropriation Account of such Grant, a Balance Sheet so prepared as to show the Debtor and Creditor Balances in the Ledgers of such Department on the Day when the said Appropriation Account was closed, and to verify the Balances appearing upon the annual Appropriation Account: Provided always, that the Commissioners may, if they think fit, require the said Department to transmit to them in lieu of such Balance Sheet a certified Statement showing the actual Disposition of the Balances appearing upon the annual Appropriation Account on the last Day of the Period of such Account.

The Appropriation Account to be accompanied by a Statement explaining Disposal of Balances and Cause of Excesses.

28. Every Appropriation Account when rendered to the Commissioners shall be accompanied by an Explanation showing how the Balance or Balances on the Grant or Grants included in the previous Account have been adjusted, and shall also contain an explanatory Statement of any Excess of Expenditure over the or Grants embraced in such Account, and such Statement Grant as well as the Appropriation Account shall be signed by such Department.

The Commissioners to have access to Books of Account, &c. in the accounting Departments.

29. In order that the Examination prescribed by the preceding Section may as far as possible proceed, pari passu, with the Cash Transactions of the several accounting Departments, the Commissioners shall have free Access, at all convenient Times, to the Books of Account and other Documents relating to the Accounts of such Departments, and may require the several Departments concerned to furnish them, from Time to Time, or at regular Periods, with Accounts of the Cash Transactions of such Departments respectively up to such Times or Periods.

In what Manner the Examination of Appropriation Accounts shall be conducted by the Commissioners.

30. In the Examination of Appropriation Accounts the Commissioners shall ascertain, first, whether the Payments which the accounting Department has charged to the Grant are supported by Vouchers or Proofs of Payments, and, second, whether the Money expended has been applied to the Purpose or Purposes which such Grant was intended to provide for: Provided always, and it is hereby enacted, that whenever the said Commissioners shall be required by the Treasury to ascertain whether the Expenditure embraced or to be embraced in an Appropriation Account, or any Portion of such Expenditure, is supported by Treasury Authority, the Commissioners shall examine such Expenditure with that Object, and shall report to the Treasury any Expenditure which may appear, upon such Examination, to have been incurred without Treasury Authority; and if the Treasury should not thereupon see fit to sanction such unauthorized Expenditure, the Commissioners shall regard the same as being not properly chargeable to a Parliamentary Grant, and shall report such Expenditure to the House of Commons in the Manner herein-after provided.

How the Vouchers included in Schedule (B.) of an Appropriation Account shall be examined.

31. In conducting the Examination of the Vouchers relating to the Appropriation of the Grants for the several Services enumerated in Schedule (B.) to this Act annexed, the Commissioners, after satisfying themselves that the Vouchers have been examined and allowed by the proper departmental Officers, may assume the Correctness of the Castings and Computations of the particular Items making up the Total of such Vouchers: Provided always, that if the Treasury should desire any such Vouchers to be examined by the Commissioners in greater detail, the said Commissioners shall cause such Vouchers to be subjected to such a detailed Examination as the Treasury may think fit to prescribe.

How other Vouchers are to be examined.

32. In conducting the Examination of the Vouchers relating to the Appropriation of the Grants for any Services not enumerated in the aforesaid Schedule, the said Commissioners shall test the Accuracy of the Castings and Computation of the several Items of such

Vouchers: Provided always, that when any Vouchers have been certified to be correct by any Officers specially authorized to examine the same, it shall be lawful for the said Commissioners, with the Consent of the Treasury, to dispense with a Second Examination of the particular Items of such Vouchers.

Objections made by the Commissioners in the Course of the Examination, to be reported to the accounting Department, and in certain Cases to the Treasury.

33. If during the Progress of the Examination by the Commissioners herein-before directed, any Objections should arise to any Item to be introduced into the annual Appropriation Account of any Grant, such Objections shall, notwithstanding such Account shall not have been rendered to them, be immediately communicated by the said Commissioners to the Department concerned, and if the Objections should not be answered to the Satisfaction of the said Commissioners by such Department, they shall be referred by the said Commissioners to the Treasury, and the Treasury shall determine in what Manner the Items in question shall be entered in the annual Appropriation Account.

What Reports the Commissioners shall prepare for Submission to Parliament.

34. In reporting as herein-before directed, for the Information of the House of Commons, the Result of the Examination of the annual Appropriation Accounts, the aforesaid Commissioners shall prepare separate Reports on the Appropriation Account of the Army and on that of the Navy.

They shall embody in One Report the Observations which they may desire to make on the Appropriation Accounts of the Departments of Customs, Inland Revenue, and Post Office; and with respect to the Appropriation Accounts of the Grants for the Miscellaneous Civil Services, the said Commissioners shall embody in One Report the Observations they may desire to make on the Accounts relating to the several Grants included within each of the Classes into which the Grants for Civil Services are divided in the Appropriation Act; and in all such Reports the Commissioners shall call Attention to every Case in which it may appear to them that a Grant has been exceeded, or that Money received by a Department from other Sources than the Grants for the Year to which the Account relates has not been applied or accounted for according to the Directions of Parliament, or that a Sum charged against a Grant is not supported by Proof of Payment, or that a Payment so charged did not occur within the Period of the Account, or was for any other Reason not properly chargeable against the Grant. If the Treasury shall not, within the Time prescribed by this Act, present to the House of Commons any Report made by the Commissioners on the annual Appropriation Accounts, the Commissioners shall forthwith present such Report.

ACCOUNTS OTHER THAN APPROPRIATION ACCOUNTS.

Accounts other than Appropriation Accounts to be examined under Treasury Directions by the Exchequer and Audit Commissioners.

35. Besides the Appropriation Accounts of the Grants of Parliament, the Commissioners shall examine and audit, if required so to do by the Treasury, and in accordance with any Regulations that may be prescribed for their Guidance in that Behalf by the Treasury, the following Accounts; viz., the Accounts of all Principal Accountants, the Accounts of the Receipt of Revenue by the Departments of Customs, Inland Revenue, and Post Office, the Accounts of every Receiver of Money which is by Law payable into Her Majesty's Exchequer, and any other Accounts which though not relating directly to the Receipt or Expenditure of Imperial Funds, the Treasury may think it important on Public Grounds to subject to the Examination of the said Commissioners.

By whom such Accounts shall be rendered.

36. The Accounts which by the preceding Section the Treasury are empowered to subject to the Examination of the Commissioners shall be rendered to the said Commissioners by the Departments or Officers who may be appointed so to do by the Treasury; and the Term "Accountant," when used in this and the following Sections of this Act with reference to any such Accounts, shall be taken to mean the Department or Officer that may be so required by the Treasury to render the same; and every Public Officer into whose Hands Public Moneys, either in the Nature of Revenue or Fees of Office, shall be paid by Persons bound by Law or Regulation to do so, or by subordinate or other Officers whose Duty it may be to pay such Moneys, wholly or in part, into the Receipt of Her Majesty's Exchequer, or to apply the same to any Public Service, shall, at such Times and in such Form as the Treasury shall determine, render an Account of his Receipts and Payments to the Commissioners; and it shall be the Duty of the Treasury to inform the said Commissioners of the Appointment of every such Officer.

Accountants to transmit their Accounts and Vouchers to the Commissioners under Regulations to be prescribed by them with the Approval of the Treasury.

37. Accountants shall transmit their Accounts together with the Authorities and Vouchers relating thereto to the Office of the aforesaid Commissioners, in such Form, and for such Periods, and under such Regulations as the said Commissioners may prescribe for the Guidance of such Accountants: Provided always, that no such Regulations shall be obligatory on such Accountants until they shall have been approved by the Treasury.

Examination and passing of Accounts.

38. The Commissioners shall examine the several Accounts transmitted to them with as little Delay as possible, and when the Examination of each Account shall be completed, the Commissioners shall make up a Statement thereof in such Form as they may deem fit, and if it shall appear from the Statement so made up of any Account, being an Account Current, that the Balance thereon agrees with the Accountant's Balance, or if it shall appear from any Account rendered by an Accountant, as well as from the Statement of such Account by the Commissioners, that the Accountant is "even and quit," the Commissioners are hereby required to sign and pass such Statement of Account so made up by them as aforesaid: Provided always, that in all other Cases whatever, the Commissioners having made up the Statement of Account as hereinbefore directed, shall transmit the same to the Treasury, who, having considered such Statement, shall return it to the Commissioners, with their Warrant attached thereto, directing the Commissioners to sign and pass the Account, either conformably to the Statement thereof, or with such Alterations as the Treasury may deem just and reasonable; and a Statement of the Account made up by the Commissioners, in accordance with such Treasury Warrant, shall then be signed and passed by the said Commissioners: Provided further, that a List of all Accounts which the Commissioners may sign and pass (such List to be so prepared as to show thereon the Charge, Discharge, and Balance of each Account respectively) shall be submitted by the said Commissioners to the Treasury twice in every Year, videlicet, not later than the First Week of February and the First Week of August.

Vouchers may be allowed though not stamped.

39. It shall be lawful for the said Commissioners, in the Examination of any Public Accounts, to admit and allow, in Cases where it shall appear to them to be reasonable and expedient for the Public Service, Vouchers for any Moneys expressed therein, although such Vouchers be not stamped according to Law.

Certificates of Discharge to be delivered to Accountants.

40. As soon as any Account shall have been signed and passed by the said Commissioners, they shall transmit to the Accountant a Certificate, in which the total Amount of the Sums forming respectively the Charge and Discharge of such Account, and the Balance, if any, remaining due to or by such Accountant shall be set forth; and every such Certificate shall be signed by the said Commissioners, and shall be valid and effectual to discharge the Accountant, as the Case may be, either wholly, or from so much of the Amount with which he may have been chargeable, as he may appear by such Certificate to be discharged from: Provided always, that when any Account, not being an Account Current, has been signed and passed by the Commissioners with a Balance due thereon to the Crown, the Commissioners shall not make out or grant any such Certificate, as aforesaid, until the Accountant has satisfied them, either that he has discharged the full Amount of such Balance, and any Interest that may, as herein-after provided, be payable thereon, or that he has been relieved from the Payment thereof, or of so much thereof as has not been paid, by a Warrant from the Treasury.

Declaration of Accounts before the Chancellor of the Exchequer abolished.

41. No Declaration shall be made by the Commissioners before the Chancellor of the Exchequer in relation to any Account, or any State or Statement thereof; nor shall any such State or Statement be enrolled as of Record in the Office of Her Majesty's Remembrancer of the Court of Exchequer, any Law, Usage, or Custom to the contrary notwithstanding; but every Statement of an Account made out, signed, and passed as aforesaid, shall be recorded in the Office of the said Commissioners, and the recording of such Statement of Account in their Office shall be as valid and effectual, for enabling any Process in the Law against the Party chargeable, and any other Proceeding for the Recovery of any Balances and any Interest thereon, and for all other Purposes, as the Enrolment of a declared Account in the Office of Her Majesty's Remembrancer would have been if this Act had not been passed; and a Copy, certified under the Hands of the said Commissioners, of the Record of any such Statement of Account shall be taken notice of, and proceeded upon in the like Manner, as the Record of any such declared Account, enrolled as aforesaid, might have been if this Act had not been passed.

Examination and passing of Store Accounts.

42. In all Cases where the Commissioners shall be required by the Treasury to examine and audit the Accounts of the Receipt, Expenditure, or Delivery of any Securities, Stamps, Provisions, or Stores, the Property of Her Majesty, the Commissioners shall, on the Examination of such Accounts being completed, transmit a Statement thereof, or a Report thereon, to the Treasury, who shall, if they think fit, signify their Approval of such Accounts to the said Commissioners, who shall thereupon transmit to the Accountant a Certificate, which shall be to him a valid and effectual Discharge from so much as he may thereby appear to be discharged from.

Adjustment of Balances on Accounts, and when Interest may be charged on such Balances.

43. Every Accountant shall, on the Termination of his Charge as such Accountant, forthwith pay over any Balance of Public Money then due to the Public in respect of such Charge to the Public Officer authorized to receive the same; and in all Cases in which it shall appear to the Commissioners that Balances of Public Money have been improperly and unnecessarily retained by an Accountant, they shall report the Circumstances of such Cases to the Treasury; and the Treasury shall take such Measures, as to them may seem expedient, for recovering, by legal Process, or by other lawful Ways and Means, the Amount of such Balances, together with Interest thereon, upon the whole or Part of such Balances, for such Period of Time and at such Rate, not exceeding Five Pounds per Centum per Annum, as to the Treasury may appear just and reasonable.

44. In all Cases where any Estate belonging to a Public Accountant shall be sold under any Writ of Extent or any Decree or Order of the Courts of Chancery or Exchequer, and the Purchaser thereof or of any Part thereof shall have paid his Purchase Money into the Hands of any Public Accountant authorized to receive the same, such Purchaser shall be wholly exonerated and discharged from all further Claims of Her Majesty for or in respect of any Debt arising upon such Account, although his Purchase Money be not sufficient in Amount to discharge the whole of the said Debt.

Where the Estate of a Public Accountant is sold under Writ of Extent, and the Purchase Money paid, the Purchaser to be exonerated.

45. In all Cases in which an Accountant may be dissatisfied with any Decision of the Commissioners, affecting his Accounts or his pecuniary Liability to the Public, such Accountant shall have a Right of Appeal to the Treasury, who shall thereupon make such Order with reference to the Subject Matter of Appeal as shall appear to them to be just and reasonable, and the said Commissioners shall govern themselves accordingly.

Accountants to have in all Cases a Right of Appeal to the Treasury.

46. Nothing herein contained shall extend to abridge or alter the Rights and Power of Her Majesty to control, suspend, or prevent the Execution of any Process or Proceeding, under this Act or otherwise, for recovering Balances of Public Money due to the Crown; but all such Rights and Powers shall remain in full Force and Effect, as far as by Law they now exist, anything herein-before contained to the contrary notwithstanding.

Saving all existing Rights of the Crown.

47. It shall be lawful for the Treasury, from Time to Time, if they see fit so to do, to dispense with the Transmission, to the Commissioners, of any Accounts not being Accounts of the Receipt and Expenditure of Public Money, and with the Audit of such Accounts by the said Commissioners, any Law, Usage, or Custom to the contrary notwithstanding.

The Examiation, by the Commissioners, of Accounts, not being Accounts of Public Money, may be dispensed with by the Treasury.

48. The Acts mentioned in Schedule (C.) to this Act annexed shall be repealed to the Extent mentioned in such Schedule, and all Accounts required or directed to be audited by the Commissioners shall be audited according to the Provisions of this Act: Provided always, that this Act shall not affect any Proceeding which may have been commenced under any of the said Acts before this Act comes into operation.

Acts in Schedule (C.) to be repealed.

49. This Act shall commence on the First Day of April One thousand eight hundred and sixty-seven.

Commencement of Act.

SCHEDULE A. (Section 24.)

Grants or Services to which the Appropriation Accounts relate.	Dates after the Termination of every Financial Year to which Appropriation Accounts relate, on or before which they are to be made up and submitted.			
	To the Commissioners by the Departments.	To the Treasury by the Commissioners.	To the House of Commons by the Treasury.	
Army - - - - Navy - - - - Miscellaneous Civil Services—(Classes I. to VII.) - - Revenue Departments (Salaries, Superannuation, &c., and Expenses - - - Post Office Packet Service - and All other Services voted in Supply	30 November	15 January	31 January	If Parliament be then sitting, and if not sitting then within One Week after Parliament shall be next assembled.

SCHEDULE B. (Section 31.)

The Services of which the Vouchers may be examined in the Manner prescribed in Section 31. of this Act, are as follows:—

Army;
Navy.

SCHEDULE C. (Section 48.)

ACTS TO BE REPEALED.

Act.	Title.	Extent of Repeal.
25 Geo. 3. c. 52.	An Act for the examining and auditing the Public Accounts of this Kingdom.	Wholly.
27 Geo. 3. c. 13.	An Act for repealing certain Duties, and granting other Duties in lieu thereof, and for sundry other Purposes.	Section 72.
39 Geo. 3. c. 83.	An Act for transferring to the Commissioners for auditing the Public Accounts the Duties, &c.	Wholly.
39 & 40 Geo. 3. c. 54.	An Act for more effectually charging Public Accountants with the Payment of Interest, &c.	Sections 4, 5, 6, 9, and 10, and so much of the 13th Section as may relate to the Commissioners of Audit.
45 Geo. 3. c. 55.	An Act for amending 25 Geo. 3. c. 52.	Wholly.
46 Geo. 3. c. 141.	An Act for making more effectual Provision for the more speedy Audit, &c.	,,
47 Geo. 3. Sess. 2. c. 39.	An Act for more effectually charging Public Accountants with Interest, &c.	,,
49 Geo. 3. c. 95.	An Act for better regulating the Constitution of the Board of Commissioners for auditing the Public Accounts.	,,
52 Geo. 3. c. 52.	An Act to provide for the more speedy and regular Examination and Audit of the Public Accounts of Ireland.	,,
53 Geo. 3. c. 150.	An Act for the more speedy Examination and Audit of the Accounts of Military Expenditure in Spain and Portugal.	,,
57 Geo. 3. c. 48.	An Act to make further Provision for the Adjustment of the Accounts of the Consolidated Fund of the United Kingdom, &c.	So much as relates to making good Deficiencies of the Consolidated Fund by issuing Exchequer Bills.

Act.	Title.	Extent of Repeal.
1 & 2 Geo. 4. c. 121.	An Act to abolish and alter certain Forms of Proceedings in the Exchequer and Audit Office.	Wholly, with the Exception of 27, 28, 29, and 30.
10 Geo. 4. c. 27.	An Act to amend the several Acts for regulating the Reduction of the National Debt.	Wholly.
2 Will. 4. c. 26.	An Act to authorize the Commissioners for auditing the Public Accounts to examine Accounts of the Receipt and Expenditure of Colonial Revenue.	,,
2 & 3 Will. 4. c. 99.	An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing Public Accounts in Great Britain.	,,
4 & 5 Will. 4. c. 15.	An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster.	The whole, except Sections 7 and 26.
3 & 4 Vict. c. 108.	An Act for the Regulation of Municipal Corporations, Ireland.	Sects. 213 and 214.
17 & 18 Vict. c. 19.	An Act for facilitating the Payment of Her Majesty's Navy.	Sects. 10, 11, and 12.
9 & 10 Vict. c. 92.	An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments.	Wholly.
14 & 15 Vict. c. 42.	An Act to make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings.	Sects. 37, 38, and 39.
24 & 25 Vict. c. 93.	An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of Moneys voted for the Revenue Departments.	Wholly.

Exchequer and Audit Departments.

A

BILL

To consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1866.

[Bill 3.]

Under 4 *oz.*

Exchequer and Audit Departments Bill,

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Short Title; Sect. 1.

Definition of Terms; 2.

Her Majesty may appoint Comptroller and Auditor General and Assistant Comptroller and Auditor; who may not hold other Offices; nor sit in Parliament; 3.

Salaries; Pensions; 4.

Present Offices of Comptroller General and Commissioners of Audit to be abolished; Compensation Allowances; 5.

On Death of Comptroller and Auditor General, &c., Successor to be appointed; 6.

Assistant Comptroller and Auditor may act in Absence of Comptroller and Auditor General; 7.

Treasury to appoint Officers, Clerks, &c., and to regulate Numbers and Salaries; 8.

The Comptroller and Auditor General to promote, suspend, or remove Clerks, &c., and to make Regulations subject to Approval; 9.

Gross Revenues to be paid to Exchequer; daily Advices of Revenue to be sent to Comptroller and Auditor General; 10.

Moneys to form One Fund in the Books of the Banks applicable to Exchequer Issues; 11.

Quarterly Accounts of the Income and Charge of the Consolidated Fund to be prepared; Deficiency of the Consolidated Fund; 12.

Credits to be granted to the Treasury for Consolidated Fund Services; Supplemental Credits for Services charged on the growing Produce; Issues to Principal Accountants; Daily Advices of Issues to be sent to Comptroller and Auditor General; 13.

Royal Order for Supply Services; 14.

Credits for Supply Services; Issues to Principal Accountants; 15.

Treasury to determine what Accounts shall be deemed Public Accounts; 16.

Treasury to prepare Accounts showing Surplus Income applicable to Reduction of the National Debt; 17.

Annual Accounts of Issues for Consolidated Fund Services to be prepared and audited for Parliament; 18.

Certain Payments under Contracts or Leases to be made by the Paymaster General; 19.

Treasury may direct Consolidation of Accounts at the Banks; 20.

Accounts of Stock may be opened in the Books of the Banks under official Description of Public Officers; the Banks may be authorized to receive Dividends and sell Stock; 21.

APPROPRIATION ACCOUNTS.

Annual Accounts of the Appropriation of Public Money to be prepared for the House of Commons; 22.

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Description of Account; 24.

A Balance Sheet, if thought necessary by the Comptroller and Auditor General, or a Statement showing the Disposition of the Balance to accompany the Appropriation Account; 25.

The Appropriation Account to be accompanied by a Statement explaining Disposal of Balances and Cause of Excesses; 26.

In what Manner the Examination of Appropriation Accounts shall be conducted by the Comptroller and Auditor General; 27.

The Comptroller and Auditor General to have Access to Books of Account, &c. in the accounting Departments; 28.

How the Vouchers of Appropriation Accounts included in Schedule (B.) shall be examined; 29.

How other Vouchers are to be examined; 30.

Objections made by the Comptroller and Auditor General in the Course of the Examination to be reported to the accounting Department, and in certain Cases to the Treasury; 31.

What Reports the Comptroller and Auditor General, &c. shall prepare for Submission to Parliament; 32.

ACCOUNTS OTHER THAN APPROPRIATION ACCOUNTS.

Accounts other than Appropriation Accounts to be examined under Treasury Directions by the Comptroller and Auditor General; 33.

By whom such Accounts shall be rendered; 34.

Accountants to transmit their Accounts and Vouchers to the Comptroller and Auditor General under Regulations to be prescribed by him with the Approval of the Treasury; 35.

Examination and passing of Accounts; 36.

Vouchers may be allowed though not stamped; 37.

Certificates of Discharge to be delivered to Accountants; 38.

Declaration of Accounts before the Chancellor of the Exchequer abolished; 39.

Examination and passing of Store Accounts; 40.

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Where the Estate of a Public Accountant is sold under Writ of Extent, and the Purchase Money paid, the Purchaser to be exonerated; 42.

Accountants to have in all Cases a Right of Appeal to the Treasury; 43.

Saving all existing Rights of the Crown; 44.

The Treasury may dispense with the Examination of certain Accounts by the Comptroller and Auditor General; 45.

Acts in Schedule (C.) to be repealed; 46.

Commencement of Act; 47.

SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE].

TO

Consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof.

WHEREAS it is expedient to consolidate the Powers and Duties of the Comptroller of Her Majesty's Exchequer and of the Commissioners for auditing the Public Accounts, and to unite in One Department the Business hitherto conducted by the separate Establishments under them; and to make other Provisions for the more complete Examination of the Public Accounts of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Public Moneys and Accounts Act, 1866." Short Title.

Definition of Terms.

2. In this Act "the Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or any Two or more of them; "the Bank of England" shall mean the Governor and Company of the Bank of England; "the Bank of Ireland" shall mean the Governor and Company of the Bank of Ireland; "the National Debt Commissioners" shall mean the Commissioners for the Reduction of the National Debt; "Principal Accountants" shall mean those who receive Issues directly from the Accounts of Her Majesty's Exchequer at the Banks of England and Ireland respectively; "Sub-Accountants" shall mean those who receive Advances, by way of Imprest, from Principal Accountants, or who receive Fees or other Public Moneys through other Channels; "the Secretaries of the Treasury" shall include the Assistant Secretary.

Her Majesty may appoint "Comptroller and Auditor General" and "Assistant Comptroller and Auditor,"

3. At any Time within Twelve Months after the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of the United Kingdom to nominate and appoint the Person who shall at that Time hold the Office of Comptroller General of the Receipt and Issue of Her Majesty's Exchequer, and Chairman of the Commissioners for auditing the Public Accounts, to be "Comptroller and Auditor General," and also to nominate and appoint One of the Persons who shall at that Time hold the Offices of Commissioners for auditing the Public Accounts, to be "Assistant Comptroller and Auditor."

who may not hold any other Offices,

nor be elected Members of Parliament.

The said Comptroller and Auditor General and Assistant Comptroller and Auditor shall hold their Offices during good Behaviour, subject, however, to their Removal therefrom by Her Majesty, Her Heirs and Successors, on an Address from the Two Houses of Parliament; and they shall not be capable of holding their Offices at the same Time or together with any other Office to be held during Pleasure under the Crown, or under any Officer appointed by the Crown; nor shall they be capable while holding their Offices of being elected or of sitting as Members of the House of Commons.

Salaries.

4. *Her Majesty may, by such Letters Patent, grant to the Persons therein named the following Salaries; that is to say,*

To the Comptroller and Auditor General a Salary of Two thousand Pounds per Annum, and to the Assistant Comptroller and Auditor a Salary of One thousand five hundred Pounds per Annum; and such Salaries shall be charged upon and paid out of the Consolidated Fund of the United Kingdom or the growing Produce thereof.

Pensions.

It shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent as aforesaid, to grant to any Person who shall *have executed the Offices of Comptroller and Auditor General, or Assistant Comptroller and Auditor, and who shall have resigned the same, or been removed from the same for Infirmity, in manner herein-after mentioned, an Annuity or Pension not exceeding One Half of the Salary of his Office to which he shall have been entitled immediately before his Resignation, if he shall have held either, or one after the other, of the said Offices or the Office of Commissioner of Audit for a Period not less than Fifteen Years, and Two Thirds of his said Salary if he shall have held either, or one after the other, of the said Offices for a Period not less than Twenty Years: Provided always, that no such Annuity or Pension shall be granted to either of the said Officers unless he be Sixty Years of Age at the least, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant: Provided also, that nothing herein contained shall prevent either of the said Officers from receiving, in lieu of such Annuity or Pension, if he shall so elect, the Amount of Superannuation Allowance to which he would have been entitled, in respect of the full Period during which he shall have served in the permanent Civil Service of the State, under the Provisions of "The Superannuation Act,* 1859."

Present Offices of Comptroller General of the Exchequer and Commissioners of Audit to be abolished.

Compensation Allowances to Commissioners of Audit who are not reappointed.

5. On the Appointment as aforesaid of a Comptroller and Auditor General and an Assistant Comptroller and Auditor, the then existing Letters Patent of Appointments of Comptroller General of the Exchequer and of Commissioners of Audit shall be ipso facto revoked, and the present Offices of Comptroller General of the Exchequer and Commissioners of Audit shall be abolished; *and it shall be lawful for the Treasury to grant to each of the said Commissioners of Audit whose Offices shall be abolished under the Provisions of this Act, and who shall not be appointed to either of the said Offices of Comptroller and Auditor General or Assistant Comptroller and Auditor, an annual Allowance, by way of Compensation, not exceeding the Sum charged on the Consolidated Fund as the Salary of such Commissioners. Provided always, that any Commissioners who may be in receipt of Emoluments exceeding the Salary so charged on the Consolidated Fund, shall be entitled to receive, in addition to the aforesaid Compensation Allowance, such Proportion of the said Emoluments as the Treasury are empowered to grant under the Provisions of an Act passed in the Twenty-second Year of the Reign of Her Majesty, intituled "An Act to amend the Laws concerning Superannuations "and other Allowances to Persons having held Civil Offices in the "Public Service"; And such Allowances shall be charged upon* *and paid out of the Consolidated Fund of the United Kingdom or the growing Produce thereof.*

On Death of Comptroller and Auditor General, &c., Successor to be appointed.

6. On the Death, Resignation, or other legal Avoidance of the Comptroller and Auditor General, or of the Assistant Comptroller and Auditor, Her Majesty, Her Heirs and Successors, may, by Letters Patent as aforesaid, nominate and appoint a Successor, who shall have the same Powers, Authorities, and Duties, and who shall be paid the like *Salary, and the like Annuity or Pension out of the Consolidated Fund.*

Assistant Comptroller and Auditor may act in Absence of Comptroller and Auditor General.

7. Anything which under the Authority of this Act is directed to be done by the Comptroller and Auditor General may, in his Absence, be done by the Assistant Comptroller and Auditor.

Treasury to appoint Officers, Clerks, &c., and to regulate Numbers and Salaries.

8. The Treasury shall from Time to Time appoint such Officers, Clerks, and other Persons as shall appear to them to be necessary for conducting the Business of the Department of the Comptroller and Auditor General, and Her Majesty by Order in Council may regulate the Numbers and Salaries of the respective Grades or Classes into which the said Officers, Clerks, and others shall be divided.

The Comptroller and Auditor General to promote, suspend, or remove Clerks, &c., and to make Regulations, subject to Approval.

9. The Comptroller and Auditor General shall have full Power to make Orders and Rules for the Conduct of the internal Business of his Department, and to promote, suspend, or remove any of the Officers, Clerks, and others employed therein; and to prescribe Regulations and Forms for the Guidance of Principal and of Sub-Accountants in making up, vouching, and rendering their periodical Accounts for Examination: Provided always, that all such Regulations and Forms shall be approved by the Treasury previously to the Issue thereof.

Gross Revenues to be paid to Exchequer, and daily Returns to be sent to Comptroller and Auditor General.

10. The Commissioners of Customs, the Commissioners of Inland Revenue, and the Postmaster-General shall, after Deduction of the Payments for Drawbacks, Bounties of the Nature of Drawbacks, Repayments, and Discounts, cause the gross Revenues of their respective Departments to be paid, at such Times and under such Regulations as the Treasury may from Time to Time prescribe, to Accounts to be intituled "The Account of Her Majesty's Exchequer," at the Bank of England and at the Bank of Ireland respectively, and all other Public Moneys payable to the Exchequer shall be paid to the same Accounts, and Accounts of all such Payments shall be rendered to the Comptroller and Auditor General daily, in such Form as the Treasury may prescribe: Provided always, that this Enactment shall not be construed to prevent the

Collectors and Receivers of the said gross Revenues and Moneys from cashing, as heretofore, under the Authority of any Act or Regulation, Orders issued for Naval, Military, Revenue, Civil, or other Services, repayable to the Revenue Departments out of the Consolidated Fund or out of Moneys provided by Parliament.

Moneys to form One Fund in the Books of the Banks applicable to Exchequer Issues.

11. All Moneys paid into the Bank of England and the Bank of Ireland on account of the Exchequer shall be considered by the Governor and Company of the said Banks respectively as forming One Fund in their Books; and all Orders directed by the Treasury to the said Banks for Issues out of Credits to be granted by the Comptroller and Auditor General, as herein-after provided, for the Public Service, shall be satisfied out of such general Fund; and with a view to economize the Public Balances, the Treasury shall restrict the Sums to be issued or transferred from Time to Time to the Credit of Accounts of Principal Accountants at the said Banks, as herein-after provided, to such total Sums as they may consider necessary for conducting the current Payments for the Public Service intrusted to such Principal Accountants; and the said Principal Accountants may consider the Sums so transferred to their Accounts as constituting Part of their general drawing Balance applicable to the Payment of all the Services for which they are accountable; but such Sums shall be carried in the Books of such Accountants to the Credit of the respective Services for which the same may be issued, as specified in such Orders: Provided always, that this Enactment shall not be construed to empower the Treasury nor any subordinate Authority to direct the Payment, by any such Principal Accountant, of Expenditure not sanctioned by any Act whereby Services are or may be charged on the Consolidated Fund, or by a Vote of the House of Commons, or by an Act for the Appropriation of the Supplies annually granted by Parliament.

Quarterly Accounts of the Income and Charge of the Consolidated Fund to be prepared.

12. At the Close of each of the Quarters ending on the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year the Treasury shall prepare an Account of the Income and Charge of the Consolidated Fund in Great Britain and in Ireland for such Quarter, and the Charges for the Public Debt due on the Fifth Day of April, the Fifth Day of July, the Tenth Day of October, and the Fifth Day of January shall be included in the Accounts of the said Charge for the Quarters ending on the Days preceding the latter Dates; and a Copy of such Account shall forthwith be transmitted by the Treasury to the Comptroller and Auditor General; and if it shall appear by such Account that the Income of the Consolidated Fund

Deficiency of the Consolidated Fund.

Fund in Great Britain or Ireland for the Quarter is not sufficient to defray the Charge upon it, the Comptroller and Auditor General, if satisfied of the Correctness of the Deficiency, shall certify the Amount thereof to the Bank of England or to the Bank of Ireland, as the Case may be, and upon such Certificates the said Banks shall be authorized to make Advances, from Time to Time, during the succeeding Quarter, on the Application of the Treasury, to an Amount not exceeding in the aggregate the Sums specified in such Certificates; and all such Advances shall be placed to the Credit of the Accounts of Her Majesty's Exchequer at the said Banks, and be available to satisfy the Orders for Credits granted or to be granted upon the said Accounts by the Comptroller and Auditor General; and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund in the said succeeding Quarter.

Credits to be granted to the Treasury for Consolidated Fund Services.

13. The Comptroller and Auditor General shall grant to the Treasury, from Time to Time, on their Requisitions authorizing the same, if satisfied of the Correctness thereof, Credits on the Exchequer Accounts at the Banks of England and Ireland, or on the growing Balances thereof, not exceeding the Amount of the Charge in the aforesaid quarterly Account of the Income and Charge of the Consolidated Fund remaining unpaid.

Supplemental Credits for Services charged on the growing Produce.

Issues to Principal Accountants.

The Comptroller and Auditor General shall also grant from Time to Time to the Treasury, on similar Requisitions, supplemental Credits for Services payable under any Act out of the growing Produce of the Consolidated Fund, and not included in the aforesaid quarterly Account; and the Issues or Transfers of Moneys required from Time to Time by the Principal Accountants to enable them to make the Payments intrusted to them, shall be made out of such Credits, on Orders issued to the said Banks, signed by One of the Secretaries of the Treasury or, in their Absence, by such Officer or Officers as the Treasury may from Time to Time appoint to that Duty, and in all such Orders the Services for which the Issues may be authorized shall, if the Treasury so direct, be set forth.

Daily Advices of Issues to be sent to Comptroller and Auditor General.

A daily Account of all Issues or Transfers made from the Exchequer Account, in pursuance of such Orders, shall be transmitted by the said Banks to the Comptroller and Auditor General.

Royal Order for Supply Services.

14. When any Sum or Sums of Money shall have been granted to Her Majesty by a Resolution of the House of Commons, or by an Act of Parliament, to defray Expenses for any specified Public Services, it shall be lawful for Her Majesty, by Her Royal Order, to authorize and require the Treasury to issue to the Paymaster General, out of the Credits to be granted to them on the Exchequer Accounts as herein-after provided, the Sums which may be required from Time to Time to defray such Expenses, not exceeding the Amount of the Sums so voted or granted.

Credits for Supply Services.

15. When any Ways and Means shall have been granted by Parliament to the Treasury to make good the Supplies granted to Her Majesty by any Act of Parliament or Resolution of the House of Commons, the Comptroller and Auditor General shall grant to the Treasury, on their Requisition authorizing the same, a Credit or Credits on the Exchequer Accounts at the Bank of England and Bank of Ireland, or on the growing Balances thereof, not exceeding in the whole the Amount of the Ways and Means so granted. Out of the Credits so granted to the Treasury Issues shall be made to Principal Accountants from Time to Time on Orders issued to the said Banks, signed by One of the Secretaries of the Treasury, or in their Absence by such Officer or Officers as the Treasury may from Time to Time appoint to that Duty; and the Services or Votes on account of which the Issues may be authorized shall, if the Treasury so direct, be set forth in such Orders: Provided always, that the Issues for Army and Navy Services shall be made under the general Heads of "Army" and "Navy" respectively.

Issues to Principal Accountants.

A daily Account of all Issues made from the Exchequer Account in pursuance of such Orders shall be transmitted by the said Banks to the Comptroller and Auditor General.

Treasury to determine what Accounts shall be deemed Public Accounts.

16. The Treasury may from Time to Time determine at what Banks Accountants shall keep the Public Moneys entrusted to them, and they may also determine what Accounts so opened in the Names of Public Officers or Accountants in the Books of the Bank of England, of the Bank of Ireland, or of any other Bank, shall be deemed Public Accounts; and on the Death, Resignation, or Removal of any such Public Officers or Accountants the Balances remaining at the Credit of such Accounts shall, upon the Appointment of their Successors, unless otherwise directed by Law, vest in and be transferred to the Public Accounts of such Successors at the said Banks, and shall not, in the event of the Death of any such Public Officers or Accountants, constitute Assets of the Deceased, or be in any Manner subject to the Control of their legal Representatives.

Treasury to prepare Accounts showing Surplus

17. Within Fifteen Days after the Expiration of the Quarters ending on the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of Decem-

Income applicable to Reduction of the National Debt.

ber in every Year, the Treasury shall prepare an Account of the Public Income and Expenditure of the United Kingdom, according to the actual Receipt and Issue of Moneys on the Accounts of Her Majesty's Exchequer at the Bank of England and Bank of Ireland in the Twelve Months ending on such Quarter Days respectively; and if there shall appear by such Account to be a Surplus of Income above Expenditure, the Treasury shall certify the same to the National Debt Commissioners, and One Fourth Part of such Surplus shall be applicable to the Reduction of the National Debt as hereinafter directed; and the National Debt Commissioners shall publish from Time to Time in the London Gazette the Sum which will be so applied in the ensuing Quarter. The Treasury shall cause One Fourth Part of such Surplus Income to be charged on the Consolidated Fund in the Quarter succeeding the Termination of such Account; and the Sum so charged shall be issued by the Treasury from Time to Time in the next ensuing Quarter to the National Debt Commissioners, who shall apply the same, during the said Quarter, in redeeming Funded or Unfunded Debt, or in repaying to the Bank of England or to the Bank of Ireland any Advances made by them, under the Provisions of this Act, towards supplying the Deficiency of the Consolidated Fund during the said Quarter; and all Debt so redeemed shall be forthwith cancelled. And a Copy of every Account prepared by the Treasury as aforesaid, certified by the Comptroller and Auditor General and by the Assistant Comptroller and Auditor, shall be laid before the House of Commons within Fifteen Days after the Expiration of the said quarterly Periods, if Parliament be then sitting, or if not sitting then within One Week after Parliament shall be next assembled.

Annual Accounts of Issues for Consolidated Fund Services to be prepared and audited for Parliament.

18. The Treasury shall cause an Account to be prepared and transmitted to the Comptroller and Auditor General for Examination on or before the Thirtieth Day of September in every Year, showing the Issues made from the Consolidated Fund of Great Britain and Ireland in the Financial Year ended on the Thirty-first Day of March preceding, for the Interest and Management of the Public Funded and Unfunded Debt, for the Civil List, and all other Issues in the Financial Year for Services charged directly on the said Fund; and the Comptroller and Auditor General and Assistant Comptroller and Auditor shall certify and report upon the same with reference to the Acts of Parliament under the Authority of which such Issues may have been directed; and such Accounts and Reports shall be laid before the House of Commons by the Treasury on or before the Thirty-first Day of January in the following Year, if Parliament be then sitting, and if not sitting, then within One Week after Parliament shall be next assembled.

19. All Debts accruing due under any Contract or Lease now or hereafter entered into or taken for the Public Service, and payable out of the Supplies from Time to Time voted by Parliament to Her Majesty for the Public Service, in any Department for which the Payments are made by the Paymaster General, shall be discharged and paid in Manner following; that is to say, such Debts shall be payable on the Order of the Department, and the Payment thereof shall be made by a Draft drawn by the Paymaster General on the Bank of England, according to the Course and Practice of his Office, payable to the Persons to whom such Debts may be due, or to their Agents.

Certain Payments under Contracts or Leases to be made by the Paymaster General.

20. It shall be lawful for the Treasury, whenever they shall consider it for the Advantage of the Public Service, to direct that the Accounts of any Public Officer or Department, which by any Act or Acts are required to be kept under separate Heads at the Bank of England or at the Bank of Ireland, shall be consolidated in such Manner as they shall judge most convenient for the Public Service.

Treasury may direct Consolidation of Accounts at the Bank.

21. It shall be lawful for the Bank of England and Bank of Ireland, at the Request of the Treasury, signified by One of their Secretaries, for the Public Convenience, to open and keep Accounts of Government Stock and Annuities in the Books of the said Banks under the official Description of any Public Officer for the Time being, without naming him; and the Dividends on such Stock and Annuities may from Time to Time be received, and the Stock and Annuities or any Part thereof to the Credit of such Account may from Time to Time be transferred, by the Officer for the Time being holding such Office, as if such Stock and Annuities stood in his own Name; and upon the Death, Resignation, or Removal of any such Public Officer, the Stock and Annuities standing to the Credit of such Account, and all Dividends thereon, including any Dividends not theretofore received, shall become vested in his Successor in Office, and be receivable and transferable accordingly. And any such Public Officer in whose official Description such Government Stock and Annuities may be standing may, by Letter of Attorney, authorize the Bank of England or the Bank of Ireland, or all or any of their Cashiers, to sell and transfer all or any Part of the Stock or Stocks now standing or that may hereafter stand in the Books of the said Banks on such Accounts, and to receive the Dividends due and to become due thereon; but no Stock shall be sold or transferred at the said Banks under the Authority of such general Letter of Attorney, except upon an Order in Writing, signed by One of the

Accounts of Stock may be opened in the Books of the Banks under official Description of Public Officers.

The Banks may be authorized to receive Dividends and sell Stock.

Secretaries of the Treasury, directed to the proper Officers of the said Banks.

APPROPRIATION ACCOUNTS.

Annual Accounts of the Appropriation of Public Money to be prepared for the House of Commons.

22. On or before the Days specified in the respective Columns of Schedule A. annexed to this Act, Accounts of the Appropriation of the several Supply Grants comprised in the Appropriation Act of each Year shall be prepared by the several Departments and be transmitted for Examination to the Comptroller and Auditor General and to the Treasury, and shall be laid before the House of Commons; and such Accounts shall be called the "Appropriation Accounts" of the Moneys expended for the Services to which they may respectively relate; and the Treasury shall determine by what Departments such Accounts shall be prepared and rendered to the Comptroller and Auditor General, and the Comptroller and Auditor General and Assistant Comptroller and Auditor shall certify and report upon such Accounts as herein-after directed; and the Reports thereon shall be signed by the Comptroller and Auditor General and the Assistant Comptroller and Auditor: Provided always, and it is the Intention of this Act that the Treasury shall direct that the Department charged with the Expenditure of any Vote under the Authority of the Treasury shall prepare the Appropriation Account thereof: Provided also, that the Term "Department," when used in this Act in connexion with the Duty of preparing the said Appropriation Accounts, shall be construed as including any Public Officer or Officers to whom that Duty may be assigned by the Treasury.

Each Department to keep such Books of Account as may be prescribed by the Treasury.

23. A Plan of Account Books and Accounts, adapted to the Requirements of each Service in order to exhibit, in a convenient Form, the whole of the Receipts and Payments in respect of each Vote, shall be designed under the Superintendence of the Treasury; and Her Majesty may, by Order in Council, prescribe the Manner in which each Department of the Public Service shall keep its Accounts.

Description of Account.

24. An Appropriation Account of Supply Grants shall exhibit on the Charge Side thereof the Sum or Sums appropriated by Parliament for the Service of the Financial Year to which the Account relates, and on the Discharge Side thereof the Sums which may have actually come in course of Payment within the same Period; and no Imprest or Advance, of the Application of which an Account may not have been rendered to and allowed by the accounting Department, shall be included on the Discharge Side thereof.

25. The Department charged with the Duty of preparing the Appropriation Account of a Grant, shall, if required so to do by the Comptroller and Auditor General transmit to him, together with the annual Appropriation Account of such Grant, a Balance Sheet so prepared as to show the Debtor and Creditor Balances in the Ledgers of such Department on the Day when the said Appropriation Account was closed, and to verify the Balances appearing upon the annual Appropriation Account: Provided always, that the Comptroller and Auditor General may, if he thinks fit, require the said Department to transmit to him in lieu of such Balance Sheet a certified Statement showing the actual Disposition of the Balances appearing upon the annual Appropriation Account on the last Day of the Period of such Account.

A Balance Sheet, if thought necessary by the Comptroller and Auditor General, or a Statement showing the Disposition of the Balance to accompany the Appropriation Account.

26. Every Appropriation Account when rendered to the Comptroller and Auditor General shall be accompanied by an Explanation showing how the Balance or Balances on the Grant or Grants included in the previous Account have been adjusted, and shall also contain an explanatory Statement of any Excess of Expenditure over the Grant or Grants included in such Account, and such Statement as well as the Appropriation Account shall be signed by such Department.

The Appropriation Account to be accompanied by a Statement explaining Disposal of Balances and Cause of Excesses.

27. Every Appropriation Account shall be examined by the Comptroller and Auditor General on behalf of the House of Commons; and in the Examination of such Accounts the Comptroller and Auditor General shall ascertain, first, whether the Payments which the accounting Department has charged to the Grant are supported by Vouchers or Proofs of Payments, and, second, whether the Money expended has been applied to the Purpose or Purposes for which such Grant was intended to provide: Provided always, and it is hereby enacted, that whenever the said Comptroller and Auditor General shall be required by the Treasury to ascertain whether the Expenditure included or to be included in an Appropriation Account, or any Portion of such Expenditure, is supported by the Authority of the Treasury, the Comptroller and Auditor General shall examine such Expenditure with that Object, and shall report to the Treasury any Expenditure which may appear, upon such Examination, to have been incurred without such Authority; and if the Treasury should not thereupon see fit to sanction such unauthorized Expenditure, the Comptroller and Auditor General shall regard the same as being not properly chargeable to a Parliamentary Grant, and shall report such Expenditure to the House of Commons in the Manner herein-after provided.

In what Manner the Examination of Appropriation Accounts shall be conducted by the Comptroller and Auditor General.

The Comptroller and Auditor General to have Access to Books of Account, &c. in the accounting Departments.

28. In order that such Examination may as far as possible proceed, pari passu, with the Cash Transactions of the several accounting Departments, the Comptroller and Auditor General shall have free Access, at all convenient Times, to the Books of Account and other Documents relating to the Accounts of such Departments, and may require the several Departments concerned to furnish him, from Time to Time, or at regular Periods, with Accounts of the Cash Transactions of such Departments respectively up to such Times or Periods.

How the Vouchers of Appropriation Accounts included in Schedule (B.) shall be examined.

29. In conducting the Examination of the Vouchers relating to the Appropriation of the Grants for the several Services enumerated in Schedule (B.) to this Act annexed, the Comptroller and Auditor General after satisfying himself that the Accounts bear Evidence that the Vouchers have been examined and allowed by the proper departmental Officers, may assume that the Payments charged are supported by proper Vouchers, and also the Correctness of the Castings and Computations of the particular Items making up the Total of such Vouchers: Provided always, that if the Treasury should desire any such Vouchers to be examined by the Comptroller and Auditor General in greater Detail, the Comptroller and Auditor General shall cause such Vouchers to be subjected to such a detailed Examination as the Treasury may think fit to prescribe.

How other Vouchers are to be examined.

30. In conducting the Examination of the Vouchers relating to the Appropriation of the Grants for any Services not enumerated in the aforesaid Schedule, the Comptroller and Auditor General shall test the Accuracy of the Castings and Computation of the several Items of such Vouchers: Provided always, that when any Vouchers have been certified to be correct by any Officers specially authorized to examine the same, it shall be lawful for the Comptroller and Auditor General, with the Consent of the Treasury, to dispense with a Second Examination of the particular Items of such Vouchers.

Objections made by the Comptroller and Auditor General in the Course of the Examination, to be reported to the accounting Department, and in certain Cases to the Treasury.

31. If during the Progress of the Examination by the Comptroller and Auditor General herein-before directed, any Objections should arise to any Item to be introduced into the annual Appropriation Account of any Grant, such Objections shall, notwithstanding such Account shall not have been rendered to him, be immediately communicated by him to the Department concerned, and if the Objections should not be answered to his Satisfaction by such Department, they shall be referred by him to the Treasury, and the Treasury shall determine in what Manner the Items in question shall be entered in the annual Appropriation Account.

What Reports the Comptroller and Auditor General, and Assistant Comptroller and Auditor shall prepare for Submission to Parliament.

32. In reporting as herein-before directed, for the Information of the House of Commons, the Result of the Examination of the annual Appropriation Accounts, the Comptroller and Auditor General and the Assistant Comptroller and Auditor shall prepare separate Reports on the Appropriation Account of the Army and on that of the Navy.

They shall embody in One Report the Observations which they may desire to make on the Appropriation Accounts of the Departments of Customs, Inland Revenue, and Post Office; and with respect to the Appropriation Accounts of the Grants for the Miscellaneous Civil Services, they shall embody in One Report the Observations they may desire to make on the Accounts relating to the several Grants included within each of the Classes into which the Grants for Civil Services are divided in the Appropriation Act; and in all such Reports they shall call attention to every Case in which it may appear to them that a Grant has been exceeded, or that Money received by a Department from other Sources than the Grants for the Year to which the Account relates has not been applied or accounted for according to the Directions of Parliament, or that a Sum charged against a Grant is not supported by Proof of Payment, or that a Payment so charged did not occur within the Period of the Account, or was for any other Reason not properly chargeable against the Grant. If the Treasury shall not, within the Time prescribed by this Act, present to the House of Commons any Report made by the Comptroller and Auditor General and Assistant Comptroller and Auditor on the annual Appropriation Accounts, the Comptroller and Auditor General shall forthwith present such Report.

ACCOUNTS OTHER THAN APPROPRIATION ACCOUNTS.

Accounts other than Appropriation Accounts to be examined under Treasury Directions by the Comptroller and Auditor General.

33. Besides the Appropriation Accounts of the Grants of Parliament, the Comptroller and Auditor General shall examine and audit, if required so to do by the Treasury, and in accordance with any Regulations that may be prescribed for his Guidance in that Behalf by the Treasury, the following Accounts; viz., the Accounts of all Principal Accountants, the Accounts of the Receipt of Revenue by the Departments of Customs, Inland Revenue, and Post Office, the Accounts of every Receiver of Money which is by Law payable into Her Majesty's Exchequer, and any other Accounts which though not relating directly to the Receipt or Expenditure of Imperial Funds, the Treasury may by Minute direct.

By whom such Accounts shall be rendered.

34. The Accounts which by the preceding Section the Treasury are empowered to subject to the Examination of the Comptroller and Auditor General shall be rendered to him by the Departments or Officers who may be directed so to do by the Treasury; and the Term "Accountant," when used in this and the following Sections of this Act with reference to any such Accounts, shall be taken to mean the Department or Officer that may be so required by the Treasury to render the same; and every Public Officer into whose Hands Public Moneys, either in the Nature of Revenue or Fees of Office, shall be paid by Persons bound by Law or Regulation to do so, or by subordinate or other Officers whose Duty it may be to pay such Moneys, wholly or in part, into the Receipt of Her Majesty's Exchequer, or to apply the same to any Public Service, shall, at such Times and in such Form as the Treasury shall determine, render an Account of his Receipts and Payments to the Comptroller and Auditor General; and it shall be the Duty of the Treasury to inform him of the Appointment of every such Officer.

Accountants to transmit their Accounts and Vouchers to the Comptroller and Auditor General under Regulations to be prescribed by him with the Approval of the Treasury.

35. Accountants shall transmit their Accounts together with the Authorities and Vouchers relating thereto to the Office of the Comptroller and Auditor General, in such Form, and for such Periods, and under such Regulations as he may prescribe for the Guidance of such Accountants: Provided always, that no such Regulations shall be obligatory on such Accountants until they shall have been approved by the Treasury.

Examination and passing of Accounts.

36. The Comptroller and Auditor General shall examine the several Accounts transmitted to him with as little Delay as possible, and when the Examination of each Account shall be completed, he shall make up a Statement thereof in such Form as he may deem fit, and if it shall appear from the Statement so made up of any Account, being an Account Current, that the Balance thereon agrees with the Accountant's Balance, or if it shall appear from any Account rendered by an Accountant, as well as from the Statement of such Account by the Comptroller and Auditor General, that the Accountant is "even and quit," the Comptroller and Auditor General is hereby required to sign and pass such Statement of Account so made up by him as aforesaid: Provided always, that in all other Cases whatever, the Comptroller and Auditor General having made up the Statement of Account as herein-before directed, shall transmit the same to the Treasury, who, having considered such Statement, shall return it to him, with their Warrant attached thereto, directing him to sign and pass the Account, either conformably to the Statement thereof, or with such Alterations as the Treasury may deem just and reasonable; and a Statement of the Account made up by the Comptroller and Auditor General, in accordance with such Treasury Warrant, shall then be signed and passed by him: Provided further, that a List of all Accounts which the Comptroller and Auditor General may sign and pass (such List to be so prepared as to show thereon the Charge, Discharge, and Balance of each Account respectively) shall be submitted by him to the Treasury twice in every Year, videlicet, not later than the First Week of February and the First Week of August.

Vouchers may be allowed though not stamped.

37. It shall be lawful for the Comptroller and Auditor General, in the Examination of any Public Accounts, to admit and allow, in Cases where it shall appear to him to be reasonable and expedient for the Public Service, Vouchers for any Moneys expressed therein, although such Vouchers be not stamped according to Law.

Certificates of Discharge to be delivered to Accountants.

38. As soon as any Account shall have been signed and passed by the Comptroller and Auditor General, he shall transmit to the Accountant a Certificate, in which the total Amount of the Sums forming respectively the Charge and Discharge of such Account, and the Balance, if any, remaining due to or by such Accountant shall be set forth; and every such Certificate shall be signed by him, and shall be valid and effectual to discharge the Accountant, as the Case may be, either wholly, or from so much of the Amount with which he may have been chargeable, as he may appear by such Certificate to be discharged from: Provided always, that when any Account, not being an Account Current, has been signed and passed by the Comptroller and Auditor General with a Balance due thereon to the Crown, he shall not make out or grant any such Certificate, as aforesaid, until the Accountant has satisfied him, either that he has discharged the full Amount of such Balance, and any Interest that may, as herein-after provided, be payable thereon, or that he has been relieved from the Payment thereof, or of so much thereof as has not been paid, by a Warrant from the Treasury.

Declaration of Accounts before the Chancellor of the Exchequer abolished.

39. No Declaration shall be made by the Comptroller and Auditor General before the Chancellor of the Exchequer in relation to any Account, or any State or Statement thereof; nor shall any such State or Statement be enrolled as of Record in the Office of Her Majesty's Remembrancer of the Court of Exchequer, any Law, Usage, or Custom to the contrary notwithstanding; but every Statement of an Account made out, signed, and passed as aforesaid, shall be recorded in the Office of the Comptroller and Auditor General, and the recording of such Statement of Account in his Office shall be as valid and effectual, for enabling any Process in the Law against the Party chargeable, and any other Proceeding for the Recovery of any Balances and any Interest thereon, and for all other Purposes, as the Enrolment of a declared Account in the Office of Her Majesty's Remembrancer would have been if this Act had not been passed; and a Copy, certified under the Hands of the Comptroller and Auditor General, of the Record of any such Statement of Account shall be taken notice of and proceeded upon in the like Manner as the Record of any such declared Account, enrolled as aforesaid, might have been if this Act had not been passed.

Examination and passing of Store Accounts.

40. In all Cases where the Comptroller and Auditor General shall be required by the Treasury to examine and audit the Accounts of the Receipt, Expenditure, or Delivery of any Securities, Stamps, Provisions, or Stores, the Property of Her Majesty, he shall, on the Examination of such Accounts being completed, transmit a Statement thereof, or a Report thereon, to the Treasury, who shall, if they think fit, signify their Approval of such Accounts to him, and he shall thereupon transmit to the Accountant a Certificate, which shall be to such Accountant a valid and effectual Discharge from so much as he may thereby appear to be discharged from.

Adjustment of Balances on Accounts, and when Interest may be charged on such Balances.

41. Every Accountant shall, on the Termination of his Charge as such Accountant, forthwith pay over any Balance of Public Money then due to the Public in respect of such Charge to the Public Officer authorized to receive the same; and in all Cases in which it shall appear to the Comptroller and Auditor General that Balances of Public Money have been improperly and unnecessarily retained by an Accountant, he shall report the Circumstances of such Cases to the Treasury; and the Treasury shall take such Measures, as to them may seem expedient, for recovering, by legal Process, or by other lawful Ways and Means, the Amount of such Balances, together with Interest thereon, upon the whole or Part of such Balances, for such Period of Time and at such Rate, not exceeding Five Pounds per Centum per Annum, as to the Treasury may appear just and reasonable.

Where the Estate of a Public Accountant is sold under Writ of Extent, and the Purchase Money paid, the Purchaser to be exonerated.

42. In all Cases where any Estate belonging to a Public Accountant shall be sold under any Writ of Extent or any Decree or Order of the Courts of Chancery or Exchequer, and the Purchaser thereof or of any Part thereof shall have paid his Purchase Money into the Hands of any Public Accountant authorized to receive the same, such Purchaser shall be wholly exonerated and discharged from all further Claims of Her Majesty for or in respect of any Debt arising upon such Account, although his Purchase Money be not sufficient in Amount to discharge the whole of the said Debt.

43. In all Cases in which an Accountant may be dissatisfied with any Decision of the Comptroller and Auditor General, affecting his Accounts or his pecuniary Liability to the Public, such Accountant shall have a Right of Appeal to the Treasury, who shall thereupon make such Order with reference to the Subject Matter of Appeal as shall appear to them to be just and reasonable, and the Comptroller and Auditor General shall govern himself accordingly.

Accountants to have in all Cases a Right of Appeal to the Treasury.

44. Nothing herein contained shall extend to abridge or alter the Rights and Power of Her Majesty to control, suspend, or prevent the Execution of any Process or Proceeding, under this Act or otherwise, for recovering Balances of Public Money due to the Crown; but all such Rights and Powers shall remain in full Force and Effect, as far as by Law they now exist, anything herein-before contained to the contrary notwithstanding.

Saving all existing Rights of the Crown.

45. It shall be lawful for the Treasury, from Time to Time, if they see fit so to do, to dispense with the Transmission, to the Comptroller and Auditor General, of any Accounts not being Accounts of the Receipt and Expenditure of Public Money, and with the Audit of such Accounts by him, any Law, Usage, or Custom to the contrary notwithstanding.

The Treasury may dispense with the Examination of certain Accounts by the Comptroller and Auditor General.

46. The Acts mentioned in Schedule (C.) to this Act annexed shall be repealed to the Extent mentioned in such Schedule, and all Accounts required or directed to be audited by the Board of Audit shall be audited according to the Provisions of this Act: Provided always, that this Act shall not affect any Proceeding which may have been commenced under any of the said Acts before this Act comes into operation.

Acts in Schedule (C.) to be repealed.

47. This Act shall commence on the First Day of April One thousand eight hundred and sixty-seven.

Commencement of Act.

SCHEDULE A. (Section 22.)

Grants or Services to which the Appropriation Accounts relate.	Dates after the Termination of every Financial Year to which Appropriation Accounts relate, on or before which they are to be made up and submitted.			
	To the Commissioners by the Departments.	To the Treasury by the Commissioners.	To the House of Commons by the Treasury.	
Army	31 December	31 January	15 February	If Parliament be then sitting, and if not sitting then within One Week after Parliament shall be next assembled.
Navy Miscellaneous Civil Services—(Classes I. to VII.) Revenue Departments (Salaries, Superannuation, &c., and Expenses Post Office Packet Service and All other Services voted in Supply	30 November	15 January	31 January	

SCHEDULE B. (Section 29.)

The Services of which the Vouchers may be examined in the Manner prescribed in Section 31. of this Act, are as follows:—

Army;
Navy;

and such other Services as the Treasury, by their Minute, to be laid before Parliament, may direct; but no such Minute shall take effect until it shall have lain before the House of Commons Thirty Days, unless it shall have been previously approved by a Resolution of the House of Commons.

SCHEDULE C. (Section 46.)

ACTS TO BE REPEALED.

Act.	Title.	Extent of Repeal.
25 Geo. 3. c. 52.	An Act for the examining and auditing the Public Accounts of this Kingdom.	Wholly.
27 Geo. 3. c. 13.	An Act for repealing certain Duties, and granting other Duties in lieu thereof, and for sundry other Purposes.	Section 72.
39 Geo. 3. c. 83.	An Act for transferring to the Commissioners for auditing the Public Accounts the Duties, &c.	Wholly.
39 & 40 Geo. 3. c. 54.	An Act for more effectually charging Public Accountants with the Payment of Interest, &c.	Sections 4, 5, 6, 9, and 10, and so much of the 13th Section as may relate to the Commissioners of Audit.
45 Geo. 3. c. 55.	An Act for amending 25 Geo. 3. c. 52.	Wholly.
46 Geo. 3. c. 141.	An Act for making more effectual Provision for the more speedy Audit, &c.	,,
47 Geo. 3. Sess. 2. c. 39.	An Act for more effectually charging Public Accountants with Interest, &c.	,,
49 Geo. 3. c. 95.	An Act for better regulating the Constitution of the Board of Commissioners for auditing the Public Accounts.	,
52 Geo. 3. c. 52.	An Act to provide for the more speedy and regular Examination and Audit of the Public Accounts of Ireland.	,,
53 Geo. 3. c. 150.	An Act for the more speedy Examination and Audit of the Accounts of Military Expenditure in Spain and Portugal.	,,
57 Geo. 3. c. 48.	An Act to make further Provision for the Adjustment of the Accounts of the Consolidated Fund of the United Kingdom, &c.	So much as relates to making good Deficiencies of the Consolidated Fund by issuing Exchequer Bills.

Act.	Title.	Extent of Repeal.
1 & 2 Geo. 4. c. 121.	An Act to abolish and alter certain Forms of Proceedings in the Exchequer and Audit Office.	Wholly, with the Exception of 27, 28, 29, and 30.
10 Geo. 4. c. 27.	An Act to amend the several Acts for regulating the Reduction of the National Debt.	Wholly.
2 Will. 4. c. 26.	An Act to authorize the Commissioners for auditing the Public Accounts to examine Accounts of the Receipt and Expenditure of Colonial Revenue.	"
2 & 3 Will. 4. c. 99.	An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing Public Accounts in Great Britain.	"
4 & 5 Will. 4. c. 15.	An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster.	The whole, except Sections 7 and 26.
3 & 4 Vict. c. 108.	An Act for the Regulation of Municipal Corporations, Ireland.	Sects. 213 and 214.
17 & 18 Vict. c. 19.	An Act for facilitating the Payment of Her Majesty's Navy.	Sects. 10, 11, and 12.
9 & 10 Vict. c. 92.	An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments.	Wholly.
14 & 15 Vict. c. 42.	An Act to make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings.	Sects. 38 and 39., so far as they relate to Works and Buildings.
24 & 25 Vict. c. 93.	An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of Moneys voted for the Revenue Departments.	Wholly.

Exchequer and Audit Departments.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,*
19 *March* 1866.

[Bill 79.]

Under 4 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

TO

Consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof.

WHEREAS it is expedient to consolidate the Powers and Duties of the Comptroller of Her Majesty's Exchequer and of the Commissioners for auditing the Public Accounts, and to unite in One Department the Business hitherto conducted by the separate Establishments under them; and to make other Provisions for the more complete Examination of the Public Accounts of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Public Moneys and Accounts Act, 1866." Short Title.

2. In this Act "the Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or any Definition of Terms.

Two or more of them; "the Bank of England" shall mean the Governor and Company of the Bank of England; "the Bank of Ireland" shall mean the Governor and Company of the Bank of Ireland; "the National Debt Commissioners" shall mean the Commissioners for the Reduction of the National Debt; "Principal Accountants" shall mean those who receive Issues directly from the Accounts of Her Majesty's Exchequer at the Banks of England and Ireland respectively; "Sub-Accountants" shall mean those who receive Advances, by way of Imprest, from Principal Accountants, or who receive Fees or other Public Moneys through other Channels; "the Secretaries of the Treasury" shall include the Assistant Secretary.

Her Majesty may appoint "Comptroller and Auditor General" and "Assistant Comptroller and Auditor,"

3. At any Time within Twelve Months after the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of the United Kingdom to nominate and appoint the Person who shall at that Time hold the Office of Comptroller General of the Receipt and Issue of Her Majesty's Exchequer, and Chairman of the Commissioners for auditing the Public Accounts, to be Comptroller General of the Issue and Receipt of Her Majesty's Exchequer and Auditor General of Public Accounts, in this Act referred to as "Comptroller and Auditor General," and also to nominate and appoint One of the Persons who shall at that Time hold the Offices of Commissioners for auditing the Public Accounts, to be "Assistant Comptroller and Auditor."

who may not hold any other Offices,

nor be elected Members of Parliament.

The said Comptroller and Auditor General and Assistant Comptroller and Auditor shall hold their Offices during good Behaviour, subject, however, to their Removal therefrom by Her Majesty, Her Heirs and Successors, on an Address from the Two Houses of Parliament; and they shall not be capable of holding their Offices together with any other Office to be held during Pleasure under the Crown, or under any Officer appointed by the Crown; nor shall they be capable while holding their Offices of being elected or of sitting as Members of the House of Commons.

Salaries.

4. Her Majesty may, by such Letters Patent, grant to the Persons therein named the following Salaries; that is to say,

To the Comptroller and Auditor General a Salary of Two thousand Pounds per Annum, and to the Assistant Comptroller and Auditor a Salary of One thousand five hundred Pounds per Annum; and such Salaries shall be charged upon and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Pensions.

It shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent as aforesaid, to grant to any Person who shall have executed the Offices of Comptroller and Auditor General, or Assistant Comptroller and Auditor, on his ceasing to hold such Office, an Annuity or Pension not exceeding One Half of the Salary of his Office to which he shall have been entitled immediately before he ceased to hold such Office, if he shall have held either, or one after the other, of the said Offices or the Office of Commissioner of Audit for a Period not less than Fifteen Years, and Two Thirds of his said Salary if he shall have held either, or one after the other, of the said Offices for a Period not less than Twenty Years: Provided always, that no such Annuity or Pension shall be granted to either of the said Officers unless he be Sixty Years of Age at the least, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant: Provided also, that nothing herein contained shall prevent either of the said Officers from receiving, in lieu of such Annuity or Pension, if he shall so elect, the Amount of Superannuation Allowance to which he would have been entitled in respect of the full Period during which he shall have served in the permanent Civil Service of the State, under the Provisions of "The Superannuation Act, 1859."

Present Offices of Comptroller General of the Exchequer and Commissioners of Audit to be abolished.

5. On the Appointment as aforesaid of a Comptroller and Auditor General and an Assistant Comptroller and Auditor, the then existing Letters Patent of Appointments of Comptroller General of the Exchequer and of Commissioners of Audit shall be ipso facto revoked, and the present Offices of Comptroller General of the Exchequer and Commissioners of Audit shall be abolished, but the Person appointed to be Comptroller and Auditor General shall have and perform all the Powers and Duties conferred or imposed on the Comptroller General of the Exchequer and the Commissioners for auditing the Public Accounts respectively by any Enactments relative to those Authorities respectively as far as the same are not repealed or altered by this Act or any other Act of the present Session of Parliament; and it shall be lawful for the Treasury to grant to each of the said Commissioners of Audit whose Offices shall be abolished under the Provisions of this Act, and who shall not be appointed to either of the said Offices of Comptroller and Auditor General or Assistant Comptroller and Auditor, an annual Allowance, by way of Compensation, not exceeding the Sum charged on the Consolidated Fund as the Salary of such Commissioners. Provided always, that any Commissioners who may be in receipt of Emoluments exceeding the Salary so charged on the Consolidated Fund shall be entitled to receive, in addition to the aforesaid Compensation Allowance, such Proportion of the said Emoluments as the Trea-

Compensation Allowances to Commissioners of Audit who are not reappointed.

sury are empowered to grant under the Provisions of "The Superannuation Act, 1859;" and such Allowances shall be charged upon and paid out of the Consolidated Fund of the United Kingdom or the growing Produce thereof.

On Vacancy in Office of Comptroller and Auditor General, &c., Successor to be appointed.

6. On the Death, Resignation, or other Vacancy in the Office of the Comptroller and Auditor General, or of the Assistant Comptroller and Auditor, Her Majesty, Her Heirs and Successors, may, by Letters Patent as aforesaid, nominate and appoint a Successor, who shall have the same Powers, Authorities, and Duties, and who shall be paid the like Salary, and the like Annuity or Pension out of the Consolidated Fund.

Assistant Comptroller and Auditor may act in Absence of Comptroller and Auditor General.

7. Anything which under the Authority of this Act is directed to be done by the Comptroller and Auditor General may, in his Absence, be done by the Assistant Comptroller and Auditor.

Treasury to appoint Officers, Clerks, &c., and to regulate Numbers and Salaries.

8. The Treasury shall from Time to Time appoint the Officers, Clerks, and other Persons in the Department of the Comptroller and Auditor General, and Her Majesty by Order in Council may from Time to Time regulate the Numbers and Salaries of the respective Grades or Classes into which the said Officers, Clerks, and others shall be divided.

The Comptroller and Auditor General to promote, suspend, or remove Clerks, &c., and to make Regulations, subject to Approval.

9. The Comptroller and Auditor General shall have full Power to make from Time to Time Orders and Rules for the Conduct of the internal Business of his Department, and to promote, suspend, or remove any of the Officers, Clerks, and others employed therein; and to prescribe Regulations and Forms for the Guidance of Principal and of Sub-Accountants in making up and rendering their periodical Accounts for Examination: Provided always, that all such Regulations and Forms shall be approved by the Treasury previously to the Issue thereof.

Gross Revenues to be paid to Exchequer, and daily Returns to be sent to Comptroller and Auditor General.

10. The Commissioners of Customs, the Commissioners of Inland Revenue, and the Postmaster-General shall, after Deduction of the Payments for Drawbacks, Bounties of the Nature of Drawbacks, Repayments, and Discounts, cause the gross Revenues of their respective Departments to be paid, at such Times and under such Regulations as the Treasury may from Time to Time prescribe, to Accounts to be intituled "The Account of Her Majesty's Exchequer," at the Bank of England and at the Bank of Ireland respectively, and all other Public Moneys payable to the Exchequer shall be paid to the same Accounts, and Accounts of all such Payments shall be rendered to the Comptroller and Auditor General daily, in such Form as the Treasury may prescribe: Provided always, that this Enactment shall not be construed to prevent the

Collectors and Receivers of the said gross Revenues and Moneys from cashing, as heretofore, under the Authority of any Act or Regulation, Orders issued for Naval, Military, Revenue, Civil, or other Services, repayable to the Revenue Departments out of the Consolidated Fund or out of Moneys provided by Parliament.

Moneys to form One Fund in the Books of the Banks applicable to Exchequer Issues.

11. All Moneys paid into the Bank of England and the Bank of Ireland on account of the Exchequer shall be considered by the Governor and Company of the said Banks respectively as forming One general Fund in their Books; and all Orders directed by the Treasury to the said Banks for Issues out of Credits to be granted by the Comptroller and Auditor General, as herein-after provided, for the Public Service, shall be satisfied out of such general Fund; and with a view to economize the Public Balances, the Treasury shall restrict the Sums to be issued or transferred from Time to Time to the Credit of Accounts of Principal Accountants at the said Banks, as herein-after provided, to such total Sums as they may consider necessary for conducting the current Payments for the Public Service intrusted to such Principal Accountants; and the said Principal Accountants may consider the Sums so transferred to their Accounts as constituting Part of their general drawing Balance applicable to the Payment of all the Services for which they are accountable; but such Sums shall be carried in the Books of such Accountants to the Credit of the respective Services for which the same may be issued, as specified in such Orders: Provided always, that this Enactment shall not be construed to empower the Treasury or any Authority to direct the Payment, by any such Principal Accountant, of Expenditure not sanctioned by any Act whereby Services are or may be charged on the Consolidated Fund, or by a Vote of the House of Commons, or by an Act for the Appropriation of the Supplies annually granted by Parliament.

Quarterly Accounts of the Income and Charge of the Consolidated Fund to be prepared.

12. At the Close of each of the Quarters ending on the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year the Treasury shall prepare an Account of the Income and Charge of the Consolidated Fund in Great Britain and in Ireland for such Quarter, and the Charges for the Public Debt due on the Fifth Day of April, the Fifth Day of July, the Tenth Day of October, and the Fifth Day of January shall be included in the Accounts of the said Charge for the Quarters ending on the Days preceding the latter Dates; and a Copy of such Account shall forthwith be transmitted by the Treasury to the Comptroller and Auditor General; and if it shall appear by such Account that the Income of the Consolidated Fund in Great Britain or in Ireland for the Quarter is not sufficient

Deficiency of the Consolidated Fund.

to defray the Charge upon it, the Comptroller and Auditor General, if satisfied of the Correctness of the Deficiency, shall certify the Amount thereof to the Bank of England or to the Bank of Ireland, as the Case may be, and upon such Certificates the said Banks shall be authorized to make Advances, from Time to Time, during the succeeding Quarter, on the Application of the Treasury, by Writing, in a Form to be from Time to Time determined by them, to an Amount not exceeding in the aggregate the Sums specified in such Certificates; and all such Advances shall be placed to the Credit of the Exchequer Accounts at the said Banks, and be available to satisfy the Orders for Credits granted or to be granted upon the said Accounts by the Comptroller and Auditor General; and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund in the said succeeding Quarter.

Credits to be granted to the Treasury for Consolidated Fund Services.

13. The Comptroller and Auditor General shall grant to the Treasury, from Time to Time, on their Requisitions authorizing the same, if satisfied of the Correctness thereof, Credits on the Exchequer Accounts at the Banks of England and Ireland, or on the growing Balances thereof, not exceeding the Amount of the Charge in the aforesaid quarterly Account of the Income and Charge of the Consolidated Fund remaining unpaid.

Supplemental Credits for Services charged on the growing Produce.

Issues to Principal Accountants.

The Comptroller and Auditor General shall also grant from Time to Time to the Treasury, on similar Requisitions, supplemental Credits for Services payable under any Act out of the growing Produce of the Consolidated Fund, and not included in the aforesaid quarterly Account; and the Issues or Transfers of Moneys required from Time to Time by the Principal Accountants to enable them to make the Payments intrusted to them, shall be made out of such Credits, on Orders issued to the said Banks, signed by One of the Secretaries of the Treasury or, in their Absence, by such Officer or Officers as the Treasury may from Time to Time appoint to that Duty, and in all such Orders the Services for which the Issues may be authorized shall be set forth.

Daily Advices of Issues to be sent to Comptroller and Auditor General.

A daily Account of all Issues or Transfers made from the Exchequer Accounts, in pursuance of such Orders, shall be transmitted by the said Banks to the Comptroller and Auditor General.

Royal Order for Supply Services.

14. When any Sum or Sums of Money shall have been granted to Her Majesty by a Resolution of the House of Commons, or by an Act of Parliament, to defray Expenses for any specified Public Services, it shall be lawful for Her Majesty from Time to Time, by Her Royal Order under the Royal Sign Manual, countersigned by the Treasury, to authorize and require the Treasury to issue to the Paymaster General, out of the Credits to be granted to them on the Exchequer Accounts as herein-after provided, the Sums which may be required from Time to Time to defray such Expenses, not exceeding the Amount of the Sums so voted or granted.

Credits for Supply Services.

15. When any Ways and Means shall have been granted by Parliament to the Treasury to make good the Supplies granted to Her Majesty by any Act of Parliament or Resolution of the House of Commons, the Comptroller and Auditor General shall grant to the Treasury, on their Requisition authorizing the same, a Credit or Credits on the Exchequer Accounts at the Bank of England and Bank of Ireland, or on the growing Balances thereof, not exceeding in the whole the Amount of the Ways and Means so granted. Out of the Credits so granted to the Treasury Issues shall be made to Principal Accountants from Time to Time on Orders issued to the said Banks, signed by One of the Secretaries of the Treasury, or in their Absence by such Officer or Officers as the Treasury may from Time to Time appoint to that Duty; and the Services or Votes on account of which the Issues may be authorized shall be set forth in such Orders: Provided always, that the Issues for Army and Navy Services shall be made under the general Heads of "Army" and "Navy" respectively.

Issues to Principal Accountants.

A daily Account of all Issues made from the Exchequer Accounts in pursuance of such Orders shall be transmitted by the said Banks to the Comptroller and Auditor General.

Treasury to determine what Accounts shall be deemed Public Accounts.

16. The Treasury may from Time to Time determine at what Banks Accountants shall keep the Public Moneys entrusted to them, and they may also determine what Accounts so opened in the Names of Public Officers or Accountants in the Books of the Bank of England, of the Bank of Ireland, or of any other Bank, shall be deemed Public Accounts; and on the Death, Resignation, or Removal of any such Public Officers or Accountants the Balances remaining at the Credit of such Accounts shall, upon the Appointment of their Successors, unless otherwise directed by Law, vest in and be transferred to the Public Accounts of such Successors at the said Banks, and shall not, in the event of the Death of any such Public Officers or Accountants, constitute Assets of the Deceased, or be in any Manner subject to the Control of their legal Representatives.

Treasury to prepare Accounts showing Surplus

17. Within Fifteen Days after the Expiration of the Quarters ending on the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of Decem-

Income applicable to Reduction of the National Debt.

ber in every Year, the Treasury shall prepare an Account of the Public Income and Expenditure of the United Kingdom, according to the actual Receipt and Issue of Moneys on the Exchequer Accounts at the Bank of England and Bank of Ireland in the Twelve Months ending on such Quarter Days respectively; and if there shall appear by such Account to be a Surplus of Income above Expenditure, the Treasury shall certify the same to the National Debt Commissioners, and One Fourth Part of such Surplus shall be applicable to the Reduction of the National Debt as hereinafter directed; and the National Debt Commissioners shall publish from Time to Time in the London Gazette the Sum which will be so applied in the ensuing Quarter. The Treasury shall cause One Fourth Part of such Surplus Income to be charged on the Consolidated Fund in the Quarter succeeding the Termination of such Account; and the Sum so charged shall be issued by the Treasury from Time to Time in the next ensuing Quarter to the National Debt Commissioners, who shall apply the same, during the said Quarter, in redeeming Funded or Unfunded Debt, or in repaying to the Bank of England or to the Bank of Ireland any Advances made by them, under the Provisions of this Act, towards supplying the Deficiency of the Consolidated Fund during the said Quarter; and all Debt so redeemed shall be forthwith cancelled. And a Copy of every Account prepared by the Treasury as aforesaid, certified by the Comptroller and Auditor General and by the Assistant Comptroller and Auditor, shall be laid before the House of Commons within Fifteen Days after the Expiration of the said quarterly Periods, if Parliament be then sitting, or if not sitting then within One Week after Parliament shall be next assembled.

Annual Accounts of Issues for Consolidated Fund Services to be prepared and audited for Parliament.

18. The Treasury shall cause an Account to be prepared and transmitted to the Comptroller and Auditor General for Examination on or before the Thirtieth Day of September in every Year, showing the Issues made from the Consolidated Fund of Great Britain and Ireland in the Financial Year ended on the Thirty-first Day of March preceding, for the Interest and Management of the Public Funded and Unfunded Debt, for the Civil List, and all other Issues in the Financial Year for Services charged directly on the said Fund; and the Comptroller and Auditor General and Assistant Comptroller and Auditor shall certify and report upon the same with reference to the Acts of Parliament under the Authority of which such Issues may have been directed; and such Accounts and Reports shall be laid before the House of Commons by the Treasury on or before the Thirty-first Day of January in the following Year, if Parliament be then sitting, and if not sitting, then within One Week after Parliament shall be next assembled.

19. All Debts accruing due under any Contract or Lease now or hereafter entered into or taken for the Public Service, and payable out of the Supplies from Time to Time voted by Parliament to Her Majesty for the Public Service, in any Department for which the Payments are made by the Paymaster General, shall be discharged and paid in Manner following; that is to say, such Debts shall be payable on the Order of the Department, and the Payment thereof shall be made by a Draft drawn by the Paymaster General on the Bank of England, according to the Course and Practice of his Office, payable to the Persons to whom such Debts may be due, or to their Agents.

Certain Payments under Contracts or Leases to be made by the Paymaster General.

20. It shall be lawful for the Treasury, whenever they shall consider it for the Advantage of the Public Service, to direct that the Accounts of any Public Officer or Department, which by any Act or Acts are required to be kept under separate Heads at the Bank of England or at the Bank of Ireland, shall be consolidated in such Manner as they shall judge most convenient for the Public Service.

Treasury may direct Consolidation of Accounts at the Bank.

21. It shall be lawful for the Bank of England and Bank of Ireland, at the Request of the Treasury, signified by One of their Secretaries, for the Public Convenience, to open and keep Accounts of Government Stock and Annuities in the Books of the said Banks under the official Description of any Public Officer for the Time being, without naming him; and the Dividends on such Stock and Annuities may from Time to Time be received, and the Stock and Annuities or any Part thereof to the Credit of such Account may from Time to Time be transferred, by the Officer for the Time being holding such Office, as if such Stock and Annuities stood in his own Name; and upon the Death, Resignation, or Removal of any such Public Officer, the Stock and Annuities standing to the Credit of such Account, and all Dividends thereon, including any Dividends not theretofore received, shall become vested in his Successor in Office, and be receivable and transferable accordingly. And any such Public Officer in whose official Description such Government Stock and Annuities may be standing may, by Letter of Attorney, authorize the Bank of England or the Bank of Ireland, or all or any of their Cashiers, to sell and transfer all or any Part of the Stock or Annuities for the Time being standing in the Books of the said Banks on such Account, and to receive the Dividends due and to become due thereon; but no Stock or Annuities shall be sold or transferred at the said Banks under the Authority of such general Letter of Attorney, except upon an Order in Writing, signed by One of the

Accounts of Stock may be opened in the Books of the Banks under official Description of Public Officers.

The Banks may be authorized to receive Dividends and sell Stock.

Secretaries of the Treasury, directed to the proper Officers of the said Banks.

APPROPRIATION ACCOUNTS.

Annual Accounts of the Appropriation of Public Money to be prepared for the House of Commons.

22. On or before the Days specified in the respective Columns of Schedule A. annexed to this Act, Accounts of the Appropriation of the several Supply Grants comprised in the Appropriation Act of each Year shall be prepared by the several Departments and be transmitted for Examination to the Comptroller and Auditor General and to the Treasury, and shall be laid before the House of Commons; and such Accounts shall be called the "Appropriation Accounts" of the Moneys expended for the Services to which they may respectively relate; and the Treasury shall determine by what Departments such Accounts shall be prepared and rendered to the Comptroller and Auditor General, and the Comptroller and Auditor General and Assistant Comptroller and Auditor shall certify and report upon such Accounts as herein-after directed; and the Reports thereon shall be signed by the Comptroller and Auditor General and the Assistant Comptroller and Auditor: Provided always, and it is the Intention of this Act that the Treasury shall direct that the Department charged with the Expenditure of any Vote under the Authority of the Treasury shall prepare the Appropriation Account thereof: Provided also, that the Term "Department," when used in this Act in connexion with the Duty of preparing the said Appropriation Accounts, shall be construed as including any Public Officer or Officers to whom that Duty may be assigned by the Treasury.

Each Department to keep such Books of Account as may be prescribed by the Treasury.

23. A Plan of Account Books and Accounts, adapted to the Requirements of each Service in order to exhibit, in a convenient Form, the whole of the Receipts and Payments in respect of each Vote, shall be designed under the Superintendence of the Treasury; and Her Majesty may from Time to Time, by Order in Council, prescribe the Manner in which each Department of the Public Service shall keep its Accounts.

Description of Account.

24. An Appropriation Account of Supply Grants shall exhibit on the Charge Side thereof the Sum or Sums appropriated by Parliament for the Service of the Financial Year to which the Account relates, and on the Discharge Side thereof the Sums which may have actually come in course of Payment within the same Period; and no Imprest or Advance, of the Application of which an Account may not have been rendered to and allowed by the accounting Department, shall be included on the Discharge Side thereof.

25. The Department charged with the Duty of preparing the Appropriation Account of a Grant, shall, if required so to do by the Comptroller and Auditor General transmit to him, together with the annual Appropriation Account of such Grant, a Balance Sheet so prepared as to show the Debtor and Creditor Balances in the Ledgers of such Department on the Day when the said Appropriation Account was closed, and to verify the Balances appearing upon the annual Appropriation Account: Provided always, that the Comptroller and Auditor General may, if he thinks fit, require the said Department to transmit to him in lieu of such Balance Sheet a certified Statement showing the actual Disposition of the Balances appearing upon the annual Appropriation Account on the last Day of the Period of such Account.

A Balance Sheet, if thought necessary by the Comptroller and Auditor General, or a Statement showing the Disposition of the Balance to accompany the Appropriation Account.

26. Every Appropriation Account when rendered to the Comptroller and Auditor General shall be accompanied by an Explanation showing how the Balance or Balances on the Grant or Grants included in the previous Account have been adjusted, and shall also contain an explanatory Statement of any Excess of Expenditure over the Grant or Grants included in such Account, and such Statement as well as the Appropriation Account shall be signed by such Department.

The Appropriation Account to be accompanied by a Statement explaining Disposal of Balances and Cause of Excesses.

27. Every Appropriation Account shall be examined by the Comptroller and Auditor General on behalf of the House of Commons; and in the Examination of such Accounts the Comptroller and Auditor General shall ascertain, first, whether the Payments which the accounting Department has charged to the Grant are supported by Vouchers or Proofs of Payments, and, second, whether the Money expended has been applied to the Purpose or Purposes for which such Grant was intended to provide: Provided always, and it is hereby enacted, that whenever the said Comptroller and Auditor General shall be required by the Treasury to ascertain whether the Expenditure included or to be included in an Appropriation Account, or any Portion of such Expenditure, is supported by the Authority of the Treasury, the Comptroller and Auditor General shall examine such Expenditure with that Object, and shall report to the Treasury any Expenditure which may appear, upon such Examination, to have been incurred without such Authority; and if the Treasury should not thereupon see fit to sanction such unauthorized Expenditure, it shall be regarded as being not properly chargeable to a Parliamentary Grant, and shall be reported to the House of Commons in the Manner hereinafter provided.

In what Manner the Examination of Appropriation Accounts shall be conducted by the Comptroller and Auditor General.

The Comptroller and Auditor General to have Access to Books of Account, &c. in the accounting Departments.

28. In order that such Examination may as far as possible proceed, pari passu, with the Cash Transactions of the several accounting Departments, the Comptroller and Auditor General shall have free Access, at all convenient Times, to the Books of Account and other Documents relating to the Accounts of such Departments, and may require the several Departments concerned to furnish him, from Time to Time, or at regular Periods, with Accounts of the Cash Transactions of such Departments respectively up to such Times or Periods.

How the Vouchers of Appropriation Accounts included in Schedule (B.) shall be examined.

29. In conducting the Examination of the Vouchers relating to the Appropriation of the Grants for the several Services enumerated in Schedule (B.) to this Act annexed, the Comptroller and Auditor General after satisfying himself that the Accounts bear Evidence that the Vouchers have been examined and allowed by the proper departmental Officers, may assume that the Payments charged are supported by proper Vouchers, and also the Correctness of the Castings and Computations of the particular Items making up the Total of such Vouchers: Provided always, that if the Treasury should desire any such Vouchers to be examined by the Comptroller and Auditor General in greater Detail, the Comptroller and Auditor General shall cause such Vouchers to be subjected to such a detailed Examination as the Treasury may think fit to prescribe.

How other Vouchers are to be examined.

30. In conducting the Examination of the Vouchers relating to the Appropriation of the Grants for any Services not enumerated in the aforesaid Schedule, the Comptroller and Auditor General shall test the Accuracy of the Castings and Computation of the several Items of such Vouchers: Provided always, that when any Vouchers have been certified to be correct by any Officers specially authorized to examine the same, it shall be lawful for the Comptroller and Auditor General, with the Consent of the Treasury, to dispense with a Second Examination of the particular Items of such Vouchers.

Objections made by the Comptroller and Auditor General in the Course of the Examination, to be reported to the accounting Department, and in certain Cases to the Treasury.

31. If during the Progress of the Examination by the Comptroller and Auditor General herein-before directed, any Objections should arise to any Item to be introduced into the Appropriation Account of any Grant, such Objections shall, notwithstanding such Account shall not have been rendered to him, be immediately communicated by him to the Department concerned, and if the Objections should not be answered to his Satisfaction by such Department, they shall be referred by him to the Treasury, and the Treasury shall determine in what Manner the Items in question shall be entered in the annual Appropriation Account.

What Reports the Comptroller and Auditor General, and Assistant Comptroller and Auditor shall prepare for Submission to Parliament.

32. In reporting as herein-before directed, for the Information of the House of Commons, the Result of the Examination of the Appropriation Accounts, the Comptroller and Auditor General and the Assistant Comptroller and Auditor shall prepare Reports on the Appropriation Account of the Army and on that of the Navy separately.

They shall prepare a Report on the Appropriation Accounts of the Departments of Customs, Inland Revenue, and Post Office. They shall prepare a Report or Reports on the Accounts relating to the several Grants included within each of the Classes into which the Grants for Civil Services are divided in the Appropriation Act. In all Reports as aforesaid they shall call attention to every Case in which it may appear to them that a Grant has been exceeded, or that Money received by a Department from other Sources than the Grants for the Year to which the Account relates has not been applied or accounted for according to the Directions of Parliament, or that a Sum charged against a Grant is not supported by Proof of Payment, or that a Payment so charged did not occur within the Period of the Account, or was for any other Reason not properly chargeable against the Grant. If the Treasury shall not, within the Time prescribed by this Act, present to the House of Commons any Report made by the Comptroller and Auditor General and Assistant Comptroller and Auditor on any of the Appropriation Accounts, or on the Accounts of Issues for Consolidated Fund Services, the Comptroller and Auditor General shall forthwith present such Report.

ACCOUNTS OTHER THAN APPROPRIATION ACCOUNTS.

Accounts other than Appropriation Accounts to be examined under Treasury Directions by the Comptroller and Auditor General.

33. Besides the Appropriation Accounts of the Grants of Parliament, the Comptroller and Auditor General shall examine and audit, if required so to do by the Treasury, and in accordance with any Regulations that may be prescribed for his Guidance in that Behalf by the Treasury, the following Accounts; viz., the Accounts of all Principal Accountants, the Accounts of the Receipt of Revenue by the Departments of Customs, Inland Revenue, and Post Office, the Accounts of every Receiver of Money which is by Law payable into Her Majesty's Exchequer, and any other Public Accounts, which though not relating directly to the Receipt or Expenditure of Imperial Funds, the Treasury may by Minute, to be laid before Parliament, direct.

By whom such Accounts shall be rendered.

34. The Accounts which by the last preceding Section the Treasury are empowered to subject to the Examination of the Comptroller and Auditor General shall be rendered to him by the Departments or Officers who may be directed so to do by the Treasury; and the Term "Accountant," when used in this and the following Sections of this Act with reference to any such Accounts, shall be taken to mean the Department or Officer that may be so required by the Treasury to render the same; and every Public Officer into whose Hands Public Moneys, either in the Nature of Revenue or Fees of Office, shall be paid by Persons bound by Law or Regulation to do so, or by subordinate or other Officers whose Duty it may be to pay such Moneys, wholly or in part, into the Receipt of Her Majesty's Exchequer, or to apply the same to any Public Service, shall, at such Times and in such Form as the Treasury shall determine, render an Account of his Receipts and Payments to the Comptroller and Auditor General; and it shall be the Duty of the Treasury to inform him of the Appointment of every such Officer.

Accountants to transmit their Accounts and Vouchers to the Comptroller and Auditor General under Regulations to be prescribed by him with the Approval of the Treasury.

35. Accountants shall transmit their Accounts together with the Authorities and Vouchers relating thereto to the Office of the Comptroller and Auditor General, in such Form, and for such Periods, and under such Regulations as he may from Time to Time prescribe for the Guidance of such Accountants: Provided always, that no such Regulations shall be obligatory on such Accountants until they shall have been approved by the Treasury.

Examination and passing of Accounts.

36. The Comptroller and Auditor General shall examine the several Accounts transmitted to him with as little Delay as possible, and when the Examination of each Account shall be completed, he shall make up a Statement thereof in such Form as he may deem fit, and if it shall appear from the Statement so made up of any Account, being an Account Current, that the Balance thereon agrees with the Accountant's Balance, or if it shall appear from any Account rendered by an Accountant, as well as from the Statement of such Account by the Comptroller and Auditor General, that the Accountant is "even and quit," the Comptroller and Auditor General is hereby required to sign and pass such Statement or Account so made up by him as aforesaid: Provided always, that in all other Cases whatever, the Comptroller and Auditor General having made up the Statement of Account as herein-before directed, shall transmit the same to the Treasury, who, having considered such Statement, shall return it to him, with their Warrant attached thereto, directing him to sign and pass the Account, either conformably to the Statement thereof, or with such Alterations as the Treasury may deem just and reasonable; and a Statement of the Account made up by the Comptroller and Auditor General, in accordance with such Treasury Warrant, shall then be signed and passed by him: Provided further, that a List of all Accounts which the Comptroller and Auditor General may sign and pass (such List to be so prepared as to show thereon the Charge, Discharge, and Balance of each Account respectively) shall be submitted by him to the Treasury twice in every Year, videlicet, not later than the First Week of February and the First Week of August.

Vouchers may be allowed though not stamped.

37. It shall be lawful for the Comptroller and Auditor General, in the Examination of any Accounts, to admit and allow, in Cases where it shall appear to him to be reasonable and expedient for the Public Service, Vouchers for any Moneys expressed therein, although such Vouchers be not stamped according to Law.

Certificates of Discharge to be delivered to Accountants.

38. As soon as any Account shall have been signed and passed by the Comptroller and Auditor General, he shall transmit to the Accountant a Certificate, in which the total Amount of the Sums forming respectively the Charge and Discharge of such Account, and the Balance, if any, remaining due to or by such Accountant shall be set forth; and every such Certificate shall be signed by him, and shall be valid and effectual to discharge the Accountant, as the Case may be, either wholly, or from so much of the Amount with which he may have been chargeable, as he may appear by such Certificate to be discharged from: Provided always, that when any Account, not being an Account Current, has been signed and passed by the Comptroller and Auditor General with a Balance due thereon to the Crown, he shall not make out or grant any such Certificate, as aforesaid, until the Accountant has satisfied him, either that he has discharged the full Amount of such Balance, and any Interest that may, as herein-after provided, be payable thereon, or that he has been relieved from the Payment thereof, or of so much thereof as has not been paid, by a Warrant from the Treasury.

Declaration of Accounts before the Chancellor of the Exchequer abolished.

39. No Declaration shall be made by the Comptroller and Auditor General before the Chancellor of the Exchequer in relation to any Account, or any State or Statement thereof; nor shall any such State or Statement be enrolled as of Record in the Office of Her Majesty's Remembrancer of the Court of Exchequer, any Law, Usage, or Custom to the contrary notwithstanding; but every Statement of an Account made out, signed, and passed as aforesaid, shall be recorded in the Office of the Comptroller and Auditor General, and the recording of such Statement of Account in his Office shall be as valid and effectual, for enabling any Process in the Law against the Party chargeable, and any other Proceeding for the Recovery of any Balances and any Interest thereon, and for all other Purposes, as the Enrolment of a declared Account in the Office of Her Majesty's Remembrancer would have been if this Act had not been passed; and a Copy, certified under the Hands of the Comptroller and Auditor General, of the Record of any such Statement of Account shall be taken notice of and proceeded upon in the like Manner as the Record of any such declared Account, enrolled as aforesaid, might have been if this Act had not been passed.

Examination and passing of Store Accounts.

40. In all Cases where the Comptroller and Auditor General shall be required by the Treasury to examine and audit the Accounts of the Receipt, Expenditure, Sale, Transfer, or Delivery of any Securities, Stamps, Government Stock or Annuities, Provisions, or Stores, the Property of Her Majesty, he shall, on the Examination of such Accounts being completed, transmit a Statement thereof, or a Report thereon, to the Treasury, who shall, if they think fit, signify their Approval of such Accounts to him, and he shall thereupon transmit to the Accountant a Certificate, in a Form to be from Time to Time determined by the Comptroller and Auditor General, which shall be to such Accountant a valid and effectual Discharge from so much as he may thereby appear to be discharged from.

Adjustment of Balances on Accounts, and when Interest may be charged on such Balances.

41. Every Accountant shall, on the Termination of his Charge as such Accountant, or in case of a deceased Accountant, his Representatives shall forthwith pay over any Balance of Public Money then due to the Public in respect of such Charge to the Public Officer authorized to receive the same; and in all Cases in which it shall appear to the Comptroller and Auditor General that Balances of Public Money have been improperly and unnecessarily retained by an Accountant, he shall report the Circumstances of such Cases to the Treasury; and the Treasury shall take such Measures, as to them may seem expedient, for recovering, by legal Process, or by other lawful Ways and Means, the Amount of such Balance or Balances, together with Interest thereon, upon the whole or Part of such Balance or Balances, for such Period of Time and at such Rate, not exceeding Five Pounds per Centum per Annum, as to the Treasury may appear just and reasonable.

Where the Estate of a Public Accountant is sold under Writ of Extent, and the Purchase Money paid,

42. In all Cases where any Estate belonging to a Public Accountant shall be sold under any Writ of Extent or any Decree or Order of the Courts of Chancery or Exchequer, and the Purchaser thereof or of any Part thereof shall have paid his Purchase Money into the Hands of any Public Accountant authorized to receive the same, such Purchaser shall be wholly exonerated and discharged from all further Claims of Her Majesty for or in respect of any Debt arising upon the Account of such Accountant, although the Purchase Money so paid be not sufficient in Amount to discharge the whole of the said Debt.

the Purchaser to be exonerated.

43. In all Cases in which an Accountant may be dissatisfied with any Disallowance or Charge in his Accounts made by the Comptroller and Auditor General, such Accountant shall have a Right of Appeal to the Treasury, who shall thereupon make such Order, directing the Relief of the Appellant wholly or in part from the Disallowance or Charge in question, as shall appear to them to be just and reasonable, and the Comptroller and Auditor General shall govern himself accordingly.

Accountants to have in all Cases a Right of Appeal to the Treasury.

44. Nothing in this Act contained shall extend to abridge or alter the Rights and Powers of Her Majesty to control, suspend, or prevent the Execution of any Process or Proceeding, under this Act or otherwise, for recovering Money due to the Crown.

Saving all existing Rights of the Crown.

45. It shall be lawful for the Treasury, from Time to Time, if they see fit so to do, to dispense with the Transmission, to the Comptroller and Auditor General, of any Accounts not being Accounts of the Receipt and Expenditure of Public Money, and with the Audit of such Accounts by him, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that Copies of any Treasury Minutes dispensing with the Audit of such Accounts shall be laid before Parliament.

The Treasury may dispense with the Examination of certain Accounts by the Comptroller and Auditor General.

46. The Acts mentioned in Schedule (C.) to this Act annexed shall be repealed to the Extent mentioned in such Schedule, and all Accounts required or directed to be audited by the Board of Audit shall be audited according to the Provisions of this Act: But nothing herein shall be deemed to confer upon the Treasury the Powers with respect to Audit vested in the Admiralty by the "Greenwich Hospital Act, 1865," or to affect any Right, Title, Obligation, or Liability acquired or accrued before the Commencement of this Act: Provided always, that this Act shall not affect any Proceeding which may have been commenced under any of the said Acts before this Act comes into operation.

Acts in Schedule (C.) to be repealed.

47. This Act shall commence on the First Day of April One thousand eight hundred and sixty-seven.

Commencement of Act.

SCHEDULE A.

Grants or Services to which the Appropriation Accounts relate.	Dates after the Termination of every Financial Year to which Appropriation Accounts relate, on or before which they are to be made up and submitted.		
	To the Comptroller and Auditor General by the Departments.	To the Treasury by Comptroller and Auditor General.	To the House of Commons by the Treasury.
Army	31 December	31 January	15 February
Navy Miscellaneous Civil Services—(Classes I. to VII.) Revenue Departments (Salaries, Superannuation, &c., and Expenses Post Office Packet Service and All other Services voted in Supply	30 November	15 January	31 January

If Parliament be then sitting, and if not sitting then within One Week after Parliament shall be next assembled.

SCHEDULE B.

Army;
Navy;

and such other Services as the Treasury, by their Minute, to be laid before Parliament, may direct; but no such Minute shall take effect until it shall have lain before the House of Commons Thirty Days, unless it shall have been previously approved by a Resolution of the House of Commons.

SCHEDULE C.

Enactments repealed.

25 Geo. 3. c. 52.	An Act for better examining and auditing the Publick Acconnts of this Kingdom.
27 Geo. 3. c. 13. in part.	An Act for repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, and for applying the said Duties, together with the other Duties composing the Publick Revenue; for permitting the Importation of certain Goods, Wares, and Merchandize, the Produce or Manufacture of the European Dominions of the French King, into this Kingdom; and for applying certain unclaimed Monies, remaining in the Exchequer for the Payment of Annuities on Lives, to the Reduction of the National Debt - - - - - in part; namely,— Section Seventy-two.
39 & 40 Geo. 3. c. 54. in part.	An Act for more effectually charging Publick Accountants with the Payment of Interest; for allowing Interest to them in certain Cases; and for compelling the Payment of Balances due from them - - - in part; namely,— Sections, Four, Five, Six, Nine, Ten, and Thirteen.
45 Geo. 3. c. 55.	An Act for to amend an Act made in the Twenty-fifth Year of His present Majesty, for better examining and auditing the Publick Accounts of this Kingdom; and for enabling the Commissioners, in certain Cases, to allow of Vouchers, although not stamped according to Law.
46 Geo. 3. c. 141.	An Act for making more effectual Provision for the more speedy and regular Examination and Audit of the Publick Accounts of this Kingdom.
47 Geo. 3. Sess. 2. c. 39.	An Act for more effectually charging Publick Accountants with Interest upon Balances, and for other Purposes relating to the passing of Publick Accounts.
52 Geo. 3. c. 52.	An Act to provide for the speedy and regular Examination and Audit of the Publick Accounts of Ireland; and to repeal certain former Acts relating thereto.
53 Geo. 3. c. 150.	An Act for the more speedy and effectual Examination and Audit of the Accounts of Military Expenditure in Spain and Portugal; for removing Delays in passing the Public Accouts; and for making new Arrangements for conducting the Business of the Audit Office.
57 Geo. 3. c. 48. in part.	An Act to make further Provision for the Adjustment of the Accounts of the Consolidated Fund of the United Kingdom; and for making good any occasional Deficiency which may arise in the said Fund in Great Britain or Ireland respectively; and to direct the Application of Monies by the Commissioners for the Reduction of the National Debt - - - :— Except Section Seventeen.
1 & 2 Geo. 4. c. 121. in part.	An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office relative to Public Accountants; and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in Great Britain; and to render perpetual and amend an Act passed in the Fifty-fourth Year of His late Majesty for the effectual Examination of the Accounts of certain Colonial Revenues - - - - - :— Except Sections Twenty-seven, Twenty-eight, and Twenty-nine.
10 Geo. 4. c. 27.	An Act to amend the several Acts for regulating the Reduction of the National Debt.

2 & 3 Will. 4. c. 26.	An Act to authorize the Commissioners for auditing the Public Accounts of Great Britain to examine and audit Accounts of the Receipt and Expenditure of Colonial Revenues.
c. 99.	An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain.
4 & 5 Will. 4. c. 15. in part.	An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster - - :— Except Sections Seven and Twenty-six.
3 & 4 Vict. c. 108. in part.	An Act for the Regulation of Municipal Corporations in Ireland - - - - - - in part; namely,— Sections Two hundred and thirteen and Two hundred and fourteen.
9 & 10 Vict. c. 92.	An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments.
14 & 15 Vict. c. 42. in part.	An Act to make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings - - - - - - in part; namely,— Section Thirty-eight wholly, and Section Thirty-nine as far as it relates to the Accounts of the Commissioners of Her Majesty's Works and Public Buildings.
17 & 18 Vict. c. 19.	The Naval Pay and Prize Act, 1854.
24 & 25 Vict. c. 93.	An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments.
28 & 29 Vict. c. 93.	An Act to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts, and for other Purposes.

Departments.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
AND ON RE-COMMITMENT]

To consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer and
Mr. Childers.)

Ordered, by The House of Commons, *to be Printed*,
24 *April* 1866.

[Bill 120.]

Under 3 *oz.*